IV

App. F. IX-4

Previous References

193 .

(Legs)

File No. 32-31

Serial Nos.

Enclosures to Legs A file no. 32-31-1-4

Later References

General and Revenue Secretariat.

Serial Nos.

Part B for

SUBJECT.

Misc. Papers & references connected with the Mysore Irrigation Regulation 1932 (Regn VI of 1932

In the early days of the administration of the country by the British Commission, enquiries as to the existing facilities for irrigation works showed that, with few exceptions, the limit to which the tank system could be beneficially extended in Mysore had been practically reached as tanks had already been constructed on almost all the available sites & that the scope for the construction of new works was extremely limited. It was recognised that the attention of Govt shd. be more particularly directed to the efficient repair & maintenance of existing irrigation works rather than to the construction of new works. The majority of the tanks were moreover in a state of

utmost neglect & many of them in complete ruin

The subject was one of considerable difficulty as it was impossible for Govt to undertake the maintenance & repair of the thousands of tanks in the Province. It having been the recognised custom from time immemorial that the responsibility of the maintenance of such works devolved upon those who derived benefit from them, the Govt decided that this liability shd. be enforced and that the Ryots being jointly interested with Govt ~~for~~ the maintenance of these works they shd. be made jointly responsible for their upkeep. It was ascertained from experience that a great number of tanks were allowed to fall into disrepair by a mistaken

Opinion of Mr. Rickets contained in Para VI of the Memo by Superintending Engineer for Irrigation (No 9 of the Papers relating to the Maintenance of Restored Irrigation Works)

idea that it formed no part of the duty ~~of the duty~~ of the Ryot to attend to timely earth-work, reparrs &c ; and when the obligations of the Ryots were overlooked they gradually fell into disuse not so much from antipathy or opposition as from the absence of authority to enforce them]

G. O. 1. 15th Dec 1904

It was considered expedient to limit this liability to such tanks as were already in a state of efficient repair or having at the expense of Govt been brought up to a standard of safety by the Irrigation Department could be handed over to the Ryots ~~for maintenance~~ ~~With this object~~ ~~a~~ with an intimation that the cultivators shall be answerable for all damage to the work. With this object a set of

rules, expressly declared to apply to the maintenance of the tanks handed over to the Ryots for upkeep ~~was~~ framed and issued in the late Chief Commissioner's Notification No 65 dated the 2nd Oct 1873, to have effect from the first day of the succeeding month.

Rules issued under Notif^n No 65 d. 2nd October 1873.

These rules imposed on the Ryots the obligation of carrying on Earth & turf work repairs & other subsidiary works with the exception of the stone facings & masonry works viz sluices weirs & aqueducts; but in cases of damage by vis major, the village authorities who were entrusted with the enforcement of the rules might require the ryots to attend to immediate repairs. In case of default by any person, the Rules

Para XXII of the Note by Superintending Engineer for Irrigation (No 9 of The Papers relating to the Maintenance of Restored Irrigation Works in Mysore)

provides for the ... carried out by paid labour the cost being recovered from the defaulter as a revenue demand. The Patel was entrusted with the duty of enforcing the maintenance of the tanks & the Nirganti whose duties of distributing water would necessitate his daily inspection of the tank was the guard in charge of the tank. The general inspection work was entrusted to the Amildar & other Revenue officers.

Para XXVIII of the same

It was considered later that tanks brought up to a standard should not be handed over to the Ryots till they were in work for a year since it was hardly fair to hold them responsible for any serious damage which might arise within a short

Para 11 of Letter No 151 d. 25/8/1876 from the Commissioner, Nandydroog Div to the Superintending Engineer of Irrigation Works. (No 17 of the Papers relating to Maintenance of Restored Irrigation Works in Mysore)

period after the transfer; it was therefore thought that a contrary practice was not the best plan to ensure good work as it might afford a loophole to the Ryots for evading responsibility. It was however always admitted that undue pressure must not be put upon the Ryots to show an increased cultivation & Revenue as it might defeat the object contemplated. It was accordingly settled that the Ryots were only expected to do all petty repairs & to check any leakage &c but that if more was required the cost shd. be borne by Govt.

The Draft Rules for the enforcement of customary duties ~~relating to tanks~~ to be performed by villagers in the

Para III of No 15 in the same collection (Letter No 12 dated 26th April 1876 from the Offg. Commr Nandydroog to the Supdtg. Engineer)

Para III of letter No 310 of 22nd July 1876 from the Offg. Dy. Commr, Bangalore to the Commr, Nandydroog Dn (Page 33 of the same Collection)

viz, extended cultivation and improved resources to the Ryots.

Para 4 of Enclosure A to No 2901 d. 8th Sept 1876 from Supdtg Engineer to the Commr, Nandydroog Dn (Page 36 of the same collection)

Letter No 138 G dt 20th Jan 1876 from the Asst. Secy to the Govt. of India to the Offg. Chief Commr in Mysore (Page 1 g.) & 12 of the collection.)

g — do —

maintenance of irrigation works in Mysore were revised and modified by the Government of India in 1876. Of course these rules were not to supersede the rules of 1873 which referred exclusively to tanks brought up to the standard of safety & made over to the care of the villagers for upkeep.

Para 3 of Letter No 90 d. 5th Aug 1878 from the Executive Engineer, Kolar Dn to the Dy. Commr, Kolar Dt (Page 54 of the collection)

The Scheme was worked for a few years but owing to the great famine that intervened it was often most difficult to enforce the proper maintenance of the tanks at the hands of the Ryots, though the plentiful rainfall that followed the close of the famine made such enforcement less difficult.

Para 1 of Mr. V.P. Madhava Rao's Memo on the "Minor Tank Restoration Scheme" dated the 27th Jan. 1902.

In 1886 the Minor Tank Restoration Scheme was intro-

duced when all tanks yielding a revenue below Rs 300 were classed as Minor & those above that limit as Major. The Durbar declared that the tanks below that limit would not be taken up by Govt. but if the Ryots did the earthwork, the Govt. would do the stone-work and masonry.

Para 2 of Mr. Madhava Rao's Memo; dated the 27th January 1902.

In 1888, the Govt. of H.H. the Maharaja finding occasion to remark that several instances of the gross neglect of the Rules of 1873 were brought to their notice a list of all tanks that had been restored or brought up to standard since 1870 when the operations of the late Irrigation Department first began was prepared and Deputy Commissioners were called upon to see that regular inspection was made of the tanks by

Proceedings No 3273-80/641-48 of the Dewan to H.H. the Maharaja of Mysore (Public Works) dated the 13th July 1888.

by the Amildars for the purpose of satisfying that it is duly maintained at the standard fixed for it; and the orders contained in the Rules of 1873 were enforced. Questions were also raised at this time

Para VI of G.O. No 5251-61/ Agri. 626-03-6 dated the 15th Dec. 1904.

1) as to the extent to which the Ryots were responsible for the cost of the earthwork done to tanks situated above Railway lines & wh. it was considered desirable to restore to a higher standard of safety;

2) as to whether Ryots were to turf the bunds & maintain the channels feeding tanks;

3) as to recovering from the Ryots the cost of earthwork rendered necessary owing to the cumulative neglect of many years, a system wh in many instances involved considerable hardship.

Para VII — do —

To enable Govt. to deal satisfactorily with the whole subject it was considered desirable to appoint a Committee to con-

sider and report on [illegible]
matters bearing on the question
A Committee was accordingly
appointed under G.O. № 1043-6/
5457-60 dated the 24th Sept 02
to consider and report on the
Tank Maintenance Scheme &
also to frame rules in con-
nection with the same and
irrigation works generally.
A. G.O. issued two months later
defined the scope of the work
to be undertaken by the
Committee; the following were
the subjects to which the deli-
berations of the Committee were
to be confined :—

1) Maintenance Rules of all tanks
brought up to standard;
2) Ryots' liability in respect of all
tanks wh. have deteriorated owing
to neglect of maintenance;
3) Tanks above the Railway line;
4) Minor Tanks Restoration Scheme;
5) Major Tanks Restoration Scheme;
6) Channel + Tank Offences;
7) Mr. V.P. Madhava Rao's Scheme
+ 8) Liability of Inamdars to contribute
towards the maintenance of
river channels.

G.O. № 1293-7/6674-8 dated
the 19th Nov. 1902. (See letter d.
16th Aug 1903 from Mr. Madhava Rao,
President of the Irrigation Committee)

subjects referred to them and submitted a report to Govt. on the 6th August 1903.

The first question considered by the Committee was whether the Tank Maintenance Rules of 1873 required any alteration. Some alterations were judged by them to be necessary & they submitted modified rules. Government however thought that it was not necessary to adopt all the changes suggested as the safest principle ~~was~~ to proceed upon was that only such changes as were absolutely necessary for the proper working of the old rules should be introduced. They accordingly adopted the rules suggested by the committee with certain modifications.

Para VIII.
G.O. No. 5251-61/Agri. 626-03-6
dated the 15th Dec. 1904.

Para XI — Ditto —

The next two subjects dealt

with by the Committee were akin in that both of them referred to the extent of the Ryot's liability in executing repairs to tanks that had deteriorated owing to neglect of maintenance by those above Railway lines. The suggestion of the ~~Govt~~ Committee not to levy more than a year's assessment of land in the atchkat of the tank for cumulative neglect was considered reasonable & Govt directed this to be adopted in the case of future works.

Para XII — Ditto —

With a view to make the Minor Tanks Restoration Scheme more effective & extensive and also to secure the hearty co-operation of the ryots by allowing concessions in cases of hardship, Government introduced certain modifications in the existing scheme. They sanctioned an additional grant for the improvements of the minor tanks; the distinction

atchkat of Rs 100 & those having one above Rs 100 was removed and all tanks classed as minor were ordered to be treated alike. Lastly ~~when~~ some concession was directed to be shown to the Ryots when the the amount of earthwork was deemed to be such as would create an unreasonable burden on them. Mr. Madhava Rao's scheme did not commend itself to Govt. as it was deemed impossible to work it without legislation.

Para XVI — Ditto —

The last subject considered by the Committee was the liability of Inamdars to contribute towards the maintenance of river channels. Govt. agreed in the opinion expressed by the Committee that the liability should not exceed that of Ryots holding assessed unalienated lands. The liability of the Inamdars was according

3

restricted to the removal of weeds – they being relieved of the duty of clearing the silt.

Seen
9/12/07

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

D.O.letter received from the Residency regarding the Bill for the constitution of Village Tank Panchayets, with a copy of reply sent thereto.

Order.

~~KRW~~
18/8/08

125

113
21-8-08

Submitted to His Highness.

I submit for information copy of a D.O. letter received from the Hon'ble the Resident regarding the bill for the constitution of Village Tank Panchayats, together with a copy of my reply thereto.

13/8/1908

No.2048.

Bangalore,
20th July 1908.

Dear Mr. Madhava Rao,

I have received your letter No.1185 dated 26th June 1908, forwarding a bill for the constitution of Village Panchayats to carry out the annual maintenance works of minor tanks in the State and also to exercise certain powers as regards the regulation of water supply for irrigation purposes.

2. The proposed legislation involves an experiment of a far reaching character in a matter of enormous importance to the State and the principles underlying it appear to me to be deserving of sympathetic consideration by the Legislative Council. In applying these principles, however, it is necessary to see that they harmonise with the customary law of the country as regards the obligations of the raiyats in connection with the maintenance of minor tanks. In this respect I feel some difficulty in comprehending the exact situation. In clause 11 of the draft Regulation, provision is made for apportionment of work among the raiyats according to their respective obligations and for the commutation of their quota of labour into money payment; clause 16 provides for the recovery of such moneys as arrears of land revenue; and clause 18 leaves unimpaired the obligations of the raiyats to render customary labour under any law or rule, order or custom, having the force of law in regard to irrigation works. Now the rules which purport to impose obligations on the raiyats for the repair and maintenance of tanks are those issued by the Chief Commissioner of Mysore in October 1873. As the Irrigation Commission has observed in paragrph 684 of their Report, Part II, there appear to be doubts on the part of some of the Mysore Officers as to the legality of enforcing these rules. In his Memorandum on the Irrigation system of Mysore prepared for the Irrigation

Commission in December 1901, Col. McNeil Campbell marked as follows:-

"I cannot say whether the Commissioner of Mysore is autho-
"rised to issue his rules of 1873 and whether the raiyats can
"legally be forced to keep their tanks in order, failing which
"the cost of the work necessary can be recovered as a revenue
"demand. There seem to be doubts on the point; anyhow the penalty
"is, I believe, not always enforced, except in the case of
"tanks affecting the safety of railways. This state of affairs
"is most unsatisfactory as the raiyats will not keep their tanks
"in order and cannot be made to do so. The rules are in fact
"so much waste paper, and will be so till they can be legally
"enforced and some penalties inflicted for disobedience."

Col. Grant has expressed the opinion that the rules are not legally valid as regards minor tanks, and I see that they are not included in the schedule to the Instrument of Transfer as rules having the force of law.

3. In the circumstances there appears to be considerable room for doubt as to the precise nature and extent of the obligation of the raiyats in connection with minor tanks and as to the enforceability of such obligation as a statutory duty. The absence of legal sanction and of a clear understanding on the subject will give rise to difficulties in the application of the proposed law, and I shall be glad if the Durbar will favour me with their views on the subject. In the Madras Presidency, the liability of the Village community to perform customary labour on irrigation works is laid down by law (Section 6 of Madras Act I of 1858) and the extent of such liability is indicated in Board's Standing Orders No.86, clauses 5 and 6.

4. It is understood that a Committee was appointed in 1902 to formulate a scheme for the efficient maintenance of minor tanks in the State. I shall be obliged if you will kindly let me know the conclusions reached by that Committee and favour me with a copy of their Report if any has been submitted to the Durbar.

Yours sincerely,

Sd/- S.M. Fraser.

No.1359/Enc. 1.

Bangalore,
11th August 1908.

Dear Mr. Fraser,

I beg to acknowledge the receipt of your letter No.3943 dated the 28th July 1908 regarding the Bill for the constitution of Village Tank Panchayats.

As desired in para 4 of your letter, I enclose a copy of the report presented by the Committee of 1902, as also a copy of the order of Government thereon No.5251-61/Agri.626-03-06 dated the 15th December 1904.

With regard to the question of the customary obligation of the raiyats in connection with the maintenance and repair of tanks, I would invite a reference to para III of the Government order of 15th December 1904, in which it is pointed out that from time immemorial the custom is to hold those who derive benefit from the tanks responsible for their maintenance, and that the rules contained in the Chief Commissioner's Notification No.65 dated the 2nd October 1873 were intended merely to enforce this responsibility and that too to a limited extent, namely, so far only as concerned tanks either already in a state of efficient repair, or which, having been restored to a definite st-

the expense of Government, have been handed over to the raiyats for maintenance.

Though the said rules of 1873 have not, as you say, been included in the schedule to the Instrument of Transfer, they have, as a matter of fact, been in operation all the time. Work is being enforced and money recovered under coercive processes on the authority of these rules; and no questions as to their legality have so far been raised on the part of the persons concerned.

The attempt to define the exact nature and extent of this customary liability by means of statutory enactment involves, however, several difficulties, the chief of which is the opportunity it will afford for all manner of questions regarding their validity being raised and attempts made to get the orders passed during the past 35 years called in question and claims set up for refund of moneys recovered at different times. There will be difficulty also in getting the Legislative Council (the non-official members particularly) to recognise the principle involved when the matter is brought before it as an open question.

under reply Col. Campbell is not correct in saying that "the Rules are in fact so much waste paper, and will be so "till they can be legally enforced and some penalties in-"flicted for disobedience". Not only were the penalties enforced but in later years the raiyats used to be held responsible for what was called cumulative neglect, i.e., the cost of repairs some times amounting to thousands of rupees were levied from them by coercive processes on the ground that such repairs were necessitated by their neglect in maintaining the tanks. This was one of the abuses in the working of the Rules of 1873, which were remedied by the orders of December 1904.

As regards the object of Madras Act I of 1858, this appears, if one may judge from the preamble, to be not to ~~deprive~~ define what ~~is~~ the customary obligation of the raiyats is or to give legal validity to such obligation, but rather to provide a penalty for failure to do the labour obligatory ~~duty~~ under custom.

I may add that in the Bill as first drafted there were provisions defining the scope and extent of the customary obligations of the raiyat in respect of tank maintenance; and it was because it was proposed to [illegible]

to bring the subject under public discussion at this stage, and complicate the scheme of forming Village Panchayets by attempting to legislate on the whole question of the construction, repair and maintenance of tanks, that those provisions were dropped and the Bill re-drafted so as to deal solely with the constitution of Panchayats and the regulation of their duties and powers, leaving the customary obligations of the raiyats as they were. In this connection I would request a reference to para 4 of the Statement of Objects and Reasons for the revised Bill (printed at page 7).

In case, however, you consider that the expression "customary obligations of raiyats" which occurs in several of the provisions of the Bill should be defined, and that legal sanction should be given to the rules contained in the Chief Commissioner's Notification, the following clause may be added to Section 2:-

"Whenever reference is made in this Regulation to the "customary obligations of raiyats, in connection with the "restoration, repair or maintenance of tanks, such refer- "ence shall, unless a different intention appears, be taken "as applying to the obligations of raiyats as laid down in

"the Notification of the Chief Commissioner of Mysore No.65
"dated the 2nd October 1873 with the alterations made there-
"in by Government Notification No.5362/Agri.626-08-7 dated
"the 15th December 1904".

The above addition and any verbal changes consequent on such addition will be considered after the Bill has been formally introduced into the Legislative Council.

Yours Sincerely

(Sd) V. P. Madhava Rao

C. 21 167

SUBJECT No. 11.

Raiyats' liability to maintain tanks.

Mr. Sinappa, Bagepalli Taluk.

Summary of discussion.— The rule under contemplation rendering the raiyats liable to criminal prosecution, if they do not execute maintenance work to their tanks, may not be passed.

Reply of Government.—The Draft Regulation now under consideration does not contemplate the criminal prosecution of such defaulters.

Add/under Perhaps this may be placed in the Enactment
file under consideration, which is with the Secretary
22/1/26 SR 22/1/26.
Dy Supdt, Revenue Office

C. 213
23/12/07

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Draft Regulation for the better maintenance and repair of tanks and other works of irrigation.

CIRCULATED TO COUNCILLORS.

By Order,

C. A. Balasundaram
Offg: *Secretary.*

23rd December 1907.

C 621/27-12-07 T. Ananda Row, Esq., B.A.,
First Councillor.

Seen by the C.

K. P. Puttanna Chetty, Esq,
Second Councillor.

24/12/07

Facing sheet for Cases included in the schedule appended to Notification No. 36 of the 8th. Aug. 1902.

GENERAL AND REVENUE SECRETARIAT.

Subject— Draft Regulation for the better maintenance and repair of tanks and other works of irrigation.

	Date	Initial of Officer himself or responsible Deputy.
Received in the Secretariat		
Submitted to Secretary	22.12.07	
Submitted by Secretary to Dewan or Councillor in charge		
Returned to Secretary		
Circulated by Secretary for Council ...	22.12.07	
Forwarded by Councillor		
Forwarded by 1/4 Councillor	5.1.08	5/1/08
Received in Secretariat		
Considered in Council	22.5.08.	
Submitted to the Dewan	25.5.08	
Submitted to His Highness	27/5/08	
Orders passed by His Highness		
Final Orders issued		
Circulated to Councillors		
Passed on by the Councillor		
Returned to Secretary by Councillor...		

GPB—1,000—26-2-07.

GENERAL AND REVENUE SECRETARIAT.

Council matter.

Subject.

A scheme for enlisting the interest and co-operation of raiyats in the matter of the restoration, maintenance and repair of tanks.

Circulated to Councillors.

By Order,

Secretary.

23rd May.....*1907*.

C455/25-5-07 T.Ananda Row, Esquire, B.A., Please see office note.

First Councillor.

5030/5/6/07 K.P.Puttanna Chetty, Esquire,

Second Councillor.

5/6/07

No. 1302

Mysore
5. 9. 08

My dear Mr Moore,

Please refer to my D.O. letter No: 1288 of the 29th August regarding the Village Tank Panchayet Bill. If the Honble Resident has no objection, I propose having the measure introduced at an early meeting of the Legislative Council.

Yours sincerely
(Sd) V. P. Madhava Rao.

GOVERNMENT OF MYSORE

Dear Mr Chandrasekhariah,

I herewith send the file re Village Panchayet Bill. The D.O. letter in which certain modifications were proposed is among the papers received back from His Highness on the 18th Aug. 1908. I have retained the further D.O. correspondence for making copies to be submitted for H.H.'s information.

The Dewan said that the question whether to introduce the

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

8.9.08 199

Further correspondence with the Residency regarding the Bill for the constitution of Village Tank Panchayets

196.

Order.

~~KRW~~

12/9/08

185
1519/08

To Resident Bo. dc 14.9.08

(In dc Resident) passed in his office

seen BPM 15/9/08 Brtle 15/9/08

Submitted to His Highness.

In continuation of my note of the 13th August, I submit for information the further D.O. correspondence with the Residency, as noted below, regarding the Village Tank Panchayet Bill:-

1. The First Assistant Resident's D.O.No.4437 dated 27th August 1908.

2. D.O.No.1288 dated 29th August 1908 to the First Assistant Resident.

3. First Assistant Resident's D.O.No.4695 dated 7th September 1908.

The Bill with the statement of objects and reasons will be published in the Gazette and introduced into the Legislative Council at its next meeting.

8/9/1908

Bangalore,

No.4695. 7th September 1908.

My dear Dewan,

I am desired to acknowledge, with thanks, the receipt of your D.O. letter No.1288 of the 29th ultimo, regarding the Village Tank Panchayet Bill, and, in reply, to say that your explanation that the conditions precedent to the introduction of the scheme, will, as a matter of fact, be satisfied in a limited number of cases only to begin with, meets the risks pointed out in my D.O. letter No.4437 of the 25th August 1908. The Resident would however suggest that this explanation should be made prominent in the speech introducing the bill in the Legislative Council, since the same doubt which occurred to him is likely to be entertained by others. Mr. Fraser would leave it to you to consider whether it would not be wise to also explain that the actual working of the scheme as regards its effect upon the repair and maintenance of tanks will be carefully reported upon, before any general extension of the Panchayet system is encouraged. The risk involved in the proposed system appears to be this:

Under the existing rules the Deputy Commissioner can compel the ryots by coercive processes to carry out the maintenance and repair of tanks. In spite of the existence of this power in the hands of the Revenue Officers, maintenance and repairs have been neglected. Will the ryots show any more zeal in the matter when the enforcement of the rules is handed over from the Deputy Commissioner to their own Panchayets (Sections 10 and 11 of the Regulation) and when the Deputy Commissioner can exercise coercion only on the application of the Panchayet (Section 16).

The Durbar think that the Regulation will revive a communal spirit which will effect what the Deputy Commissioner has failed to achieve. The Resident hopes that they may prove

right but it is possible they may not and it will be necessary to take careful stock of the position at short intervals in order to bring Section 17 into operation where necessary, to prevent further deterioration in the repair and maintenance of tanks in the State.

Yours sincerely,

Sd/- P.L. Moore.

"Copy"

No. 1288

Bangalore,
29th August 1908.

Dear Mr. Moore,

I am in receipt of your D.O. letter No.4437 of the 25th instant regarding the Village Tank Panchayet Bill.

Mr. Fraser is apparently under the impression that when the Bill is passed as law, Panchayets will be constituted all over the State and that all the tanks in the State will be handed over to them; but, although under Section 1(2), the Regulation extends to the whole of Mysore, a reference to Section 3 will show that the scheme of constituting Village Panchayets will be brought into effect only in villages where the Government may consider it expedient to do so and where a majority of the villagers may desire it. The Regulation is only an enabling one and the scheme will be applied only to places in which the conditions are favourable for its introduction.

The Durbar fully agree that the proposed legislation will introduce a change in the system of dealing with tanks, but it will be seen that the Government have not lost sight of this fact. The introduction of the scheme in any particular locality is dependent upon so many conditions that far from the result of passing the Regulation being that all the tanks will be handed over to the Panchayets, the problem the Government will have to face when the Regulation is passed will be whether there are many places in which it could be successfully worked. In the first place the system can be worked only in localities where on the one hand we have intelligent villagers who can co-operate for objects of common good, and Amildars and Deputy Commissioners capable of working the scheme with zeal and sympathy on the other. In addition a majority of two-thirds of the villagers should agree to the scheme being introduced.

It is only in a few villages that these conditions can for some years at least be found to exist. The Durbar would have gladly acted upon the suggestion of trying it in a few places before legislation was resorted to, and in fact it was their idea when the scheme was first thought of to so try it, but it was found that some of the essential provisions could not be adopted without legislation, and it was on this account that the scheme was put into the form of a Bill.

I need not explain that successive administrations have found it impossible to devote proper attention to every one of the innumerable tanks, something like 39,000 in number, scattered over the country and, although each of these tanks is important to the villagers who own lands below it or reside in the village which depends upon it for its water supply, it has been found from experience that it is only some of them that receive consideration either owing to their being above a Railway line or above important roads or in an important series or about repairing which the ryots are most clamorous. This, it will be admitted, is not a satisfactory state of things.

In your letter you say that the scheme proposed, "so far from providing for the more frequent overhauling of the minor tanks under professional supervision, leaves the care of the tanks to village organizations largely free from official supervision". There seems to be some misapprehension here. As regards repairs and restorations for which professional skill is necessary, provision is made under clause 15 sub-clause (2) for these works being executed by Government agency, and when in special cases the work is entrusted to the Panchayet, sub clause (3) insists upon the Panchayet carrying it out in accordance with specifications and constructive details furnished by the Deputy Commissioner. I may be allowed to note that in this legislation, as in other matters, the Durbar have always kept in view the principle that there should be as little breaking away from the past as possible.

I may also be permitted to note that as far as repairs and restorations are concerned, it is only the minor tanks that may be handed over to the Panchayets. The major tanks are left untouched by the scheme. They still continue to be attended to by the D.P.W. For the maintenance of both major and minor tanks the responsibility has always rested with the villagers and instead of getting the work attended to by the official agency of the Patel and Sheikdar, the new scheme will assign the work to the Village Panchayets.

Yours Sincerely
Sd/- V. P. Madhava Rao.

Bangalore,

25th August 1908.

No.4437.

My dear Dewan,

I am desired to acknowledge with thanks, the receipt of your letter No.1257 dated 11th August 1908 regarding the Bill for the constitution of Village Tank Panchayets, and, in reply, to say that there is no prima facie objection to the Bill, with section 2 amended as proposed in the concluding portion of your letter, being introduced into the Legislative Council. Having regard, however, to the enormous importance to the State and the people of the material interests dependant upon the upkeep of the tanks and the experimental nature of the remedy proposed, which so far from providing for the more frequent overhauling of the minor tanks under professional supervision (as recommended by the Irrigation Commission) leaves the care of the tanks to village organizations largely free from official supervision, it is, I am to add, worth consideration whether the experiment should not be first tried in some selected Taluks before legislation is introduced for the whole State, which conceivably may entail almost irrepairable injury to the tank system.

Yours sincerely,

Sd/- P.L. Moore.

"Copy"

G.R.S. 26]

File No.

Serial No.

Diary No. of letter replied to

D.O. No.

General and Revenue Secretariat

( )

, *the* 190 .

Date of issue

Signed by

To

Dear Mr Yates

The Dewan desires that the Tank Panchayat Bill & the Statement of objects & reasons therefor should be published in English & Kannarese in this week's Gazette the bills will be forwarded officially by this evening and I request that you will be so good as to make necessary arrangements for its publication.

Yours Sincerely

S/ C.S. Balasundaram Iyer —

SUBJECT.

CRW
8/9/08

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

GOVERNMENT OF MYSORE

20/5

My dear Balasundaram Iyer,

I doubt if I was when these proofs were sent by the Dewan. The Dewan has made some corrections in the copy. With these corrections the copy may be printed off.

The Dewan desires that this subject may be treated as urgent. You may perhaps request the Councillors to take up the consideration of the subject early

Yours sincerely

Balasundaram

Sub for information.

Sent to the Press with Corrections incorporated.

21/5/08. 1.45 pm

21/5/08 21-5-08

N. B.—Should routine notes be written on small Slips, the notes must be copied, or silps pasted on this form.

MGCPB—50,000—22-9-04

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Subd to Under Secy

The offg Secretary has directed me to send the accompanying Typed matter relating to the Bank maintenance and request you to kindly make arrangements to get the matter printed and have a clean proof ready for submission to Dewan soon after his return to Bangalore. The file on the subject is being separately sent for circulation to Councillors. The Dewan has arranged to leave this on Tuesday morning and he will be in Bangalore on Wednesday morning the 20th inst.

15/5/08

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

Subd to Asst Secy

I have sent the matter to the Press yesterday. The proof will be received today. Please remind them when the Dewan comes

& 19/5/08

Subd to Asst Secy

18/5/08 Seen. 18.5.08

Subd with relevant papers. A proof has also been forwarded to the Dewan's office from the Press direct

20/5/08 20/5/08

Submitted for further instructions

Secy) 20.5.08.

Serial No.

As per orders, I went to the Rev. Comm. and requested him for instructions in the matter. He stated that the literature on the subject was voluminous and that if an intelligent clerk deputed from the Secretariat were sent to him for some time, he would get a memo prepared. May Subbarayappa be deputed to work under him and prepare the memo and the note?

Secy) 4.12.07. WWD

Yes. Subbarayappa may be put on the work.

WDS 4/12.

Please issue the necessary instructions and put up a draft to the Rev. Comm.

4.12.07 WWD

Draft do. submitted for approval.

Issue

WWD

ZCS 4/12/07

Send to the Registrar for information

SN 4-12-07

Secy 4.12.07

G.R.S. 267.

File No.

Serial No.

Diary No. of letter replied to

No.

General and Revenue Secretariat

( )

, *the* 190

To

The Revenue Commissioner

in Mysore.

Dear Head Sir

Date of issue 4.12.1907

Signed by Mr N. Mylar Rao

With reference to your letter No 5642 dated the 29th November 07 and as per your personal instructions, I have sent ~~am directed to depute~~ B.A.B.L, Clerk, Gubbi ~~At the Secretariat~~ D.C. Subbaraya Rao to work under you ~~and prepare~~ ~~the Memo and the Note to the Draft~~ ~~Tank Regulation~~ in connection with the Village Panchayet Bill and transfer till

~~I have to~~

Yours faithfully

Your obedient servant

For Secretary.

Scott

Zcs
4/12/07

over.

SUBJECT.

Office of the Rev. Comr. in Mysore

No.5642 Bangalore, 29th November 1907.

From

A. Rangaswami Iyengar, Esq., B.A., B.L.,
Revenue Commissioner in Mysore.

To

The Secretary to the Government His Highness
the Maharaja of Mysore, Genl. & Rev. Departments

Sir,

With reference to your letter No.R.2892/Agri.19-07-, dated 9th November 1907, forwarding certain files in re the draft scheme for the constitution of Village Panchayets for the maintenance of tanks and the repair and restoration of minor tanks, I have the honor to state that a Draft Regulation was forwarded this day to the Under Secretary to the Dewan as I was ordered to submit one as early as possible. It is necessarily very imperfect as I have not had the advantage of an intelligent Memo of the previous history of the subject and being pressed for time have not been able to prepare an explanatory note of the scope of the various provisions of the Draft Regulation and the reasons in support of the same. These defects may be rectified in the Legislative Department.

2. The enclosures to your letter under reply are herewith returned.

I have the honor to be

Sir,

Your most obedient servant,

Sd/- K. Subba Rao,

For Revenue Commissioner.

My dear Sir,

Adverting to the correspondence ending with Mr.Moore's D.O.letter No.495 dated the 7th September 1908, on the subject of the Village Tank Panchayet Bill, I write to say that the Bill (copy enclosed) was placed before the Legislative Council and was referred to a Select Committee at the meeting held on the 1st October 1908. That Committee recommended certain amendments in the Bill (vide report of the Select Committee on the Bill, copy enclosed) which were duly considered at the meetings of the Council held on the 15th and 16th August 1910. After careful consideration, the Council found it necessary to make some further changes in the Bill, which have met with the approval of the Government. I am now to forward herewith for the Hon'ble the Resident's informa-

information a copy of the Bill as approved by the Government. The important changes made in the Bill are explained below:-

Clause 3.

This provides for the constitution of a Panchayet. According to the Bill as originally framed, the only condition required for the constitution of a Panchayet was the consent of a certain majority of the raiyats of the village including in the definition of that term nearly all the inhabitants of the village. It was represented that this provision did not sufficiently safeguard the interests of persons holding extensive wet lands under the tanks whom the provisions of the Bill would affect to a greater extent than any other class of persons. The number comprising the former class may sometimes be small when compared with the other ryots of the village and in such a case they could be easily outvoted by the

majority

majority not having any interest in the lands below the tanks. With the object therefore of giving adequate protection to the wet lands holders of, a fresh condition is now required to be fulfilled, viz., that the majority of two-thirds who are competent to call a Panchayet into existence should among themselves also own or hold not less than half the occupied area of the wet lands under the tank. Some other changes of a verbal character have also been made in this clause.

Clause 4.

There was a consensus of opinion that the ~~limits regarding the~~ property qualification originally fixed in this Clause for election as a member of the Panchayet was/were too high. These limits have accordingly been now lowered all round , namely from Rs. 50/- to Rs. 20/- in respect of wet or garden land-holders, from Rs. 20/- to Rs. 10/- in respect

respect of dry land holders and from Rs. 10/- to Rs. 5/- in respect of mohatarfa tax-payers and provisions have been made for the representation on the Panchayet of certain classes of raiyats who had been overlooked in the Bill, viz., (1) those ~~raiyats~~ who though they might not pay the minimum assessment or tax as fixed above under any one head may nevertheless pay in the aggregate a sum exceeding the several minima; in such cases a total payment of Rs. 25/- has been fixed as the minimum, and (2) Inamdars who, though they might not pay the amounts mentioned above, may nevertheless enjoy (totally or partially free from assessment) lands the survey valuation of which is not less than the several minima as above prescribed.

Next in point of importance are the provisions contained in clauses 14 and 15 providing for the regulation of the issue of water for irrigation, and

t h e

the power to restrict wet cultivation, respectively.

Besides empowering the Panchayet to regulate the issue of water, the former clause as it originally stood also provided for the Panchayet determining the time for the sowing of wet crops. After a careful consideration of the practical difficulties involved and in deference to the representations received from various sources, it was considered inexpedient to invest the Panchayet with this power. The clause has accordingly been amended so as to provide only for the regulation of the issue of water from the tank, the quantity of water to be issued and the time during which the supply is to last

(Old clause 13)

Clause 15.

In view of the large powers conferred on the Panchayet by this clause in respect of the restriction of wet cultivation in certain cases, provision has now been made, on the

analogy of clause 3 for the proper protection ~~safeguarding~~ of the interests of the wet landholders.

Expert opinion as to the advisability of granting tank beds for cultivation not having been unanimous, the exercise of this power by the Panchayet has been ~~made~~ subjected to the control of the Deputy Commissioner (old clause 12, new clause 13).

Clauses ~~18~~ 8 and ~~19~~ 20 are intended to remedy ~~provide for~~ certain defects which were found to exist in the Bill. The first provides for filling up casual vacancies in the membership of a Panchayet arising otherwise than by efflux of time and for the removal of members who become disqualified to continue as such. The second is intended to protect the members of ~~&&&&~~ a panchayet from liability to be sued for acts done by them in their official capacity, a provision ~~&&~~ the absence of which is likely to be felt in the early stages of an institution such as what is now proposed to be

brought into ,existence.

Provision has also been made for appeals being preferred to Government by aggrieved parties from orders passed by the Deputy Commissioner under Clause 5 disqualifying them from being elected as members of &&&&Panchayets.

The other provisions do not call for any remarks. I may however add that the Select Committee was of opinion that in order to bring to the knowledge of the raiyats the nature of the obligations resting on them in respect of the maintenance of tanks the notification of the Chief Commissioner as amended in 1904 ~~by Government in 1904~~ should be published as an annexure to the Bill. The object of the Bill being merely to alter the agency by which the maintenance of tanks is to be accomplished and ~~as~~ there being no idea of either adding to or altering the obligations resting on the raiyats under the existing rules and as it was also considered

considered inexpedient to bring this matter into the arena of public discussion (Vide Mr.Madhava Rao's D.O. No.1259 dated 11th August 1908), the proposal did not commend itself to the Government and the rejection of the Select Committee's recommendation was accordingly moved and carried in the Council. (As stated the Panchayets will be created only in places prepared for it and under safeguards. The working of the scheme will be most carefully watched and the necessity of taking careful stock of the position at short intervals will not be lost sight of.)

It will be seen from the above account of the changes made in the Bill that the experiment which the Durbar are about to try is open to even less objection now than it was at its introduction, in as much as various safeguards have been devised and adopted with a view

to protect the interests of persons who have large interests in the lands below the tanks. .

I am now to state that the Bill will be finally passed at an early meeting of the Council.

Yours

D e w a n.

M.N.

To

The Hon'ble Col Daly C.I.E. C.S.I., C.I.E.

As stated in Mr Madhavarao's D.O. letter to Mr Moore No 1288 dated the 29th Aug 1908 the Regulation is only an Enabling one and will be applied only to places in which the conditions are favourable for its introduction. The working of the Scheme will be most carefully watched and the necessity of taking careful stock of the position at short intervals will not be lost sight of.

Dear Mr. Fraser,

I beg to acknowledge the receipt of your letter No.3943 dated the 28th July 1908 regarding the Bill for the constitution of Village Tank Panchayats.

As desired in para 4 of your letter, I enclose a copy of the report presented by the Committee of 1902, ~~and~~ abstract of the order of Government thereon No.5251-61/Agri.626--03-06 dated the 15th December 1904.

With regard to the question of the customary obligation of the raiyats in connection with the maintenance and repair of tanks, I would invite a reference to para III of the Government order of 15th December 1904, in which it is pointed out that it has been the recognized custom from time immemorial that the responsibility for the maintenance of tanks devolved upon those who derive benefit from them, and that the rules contained in the Chief Commissioner's Notification No.65 dated the 2nd October

1873 were intended merely to enforce this responsibility, and that too to a limited extent, namely, so far only as concerned tanks either already in a state of efficient repair, or which, having been restored to a definite standard at the expense of Government, ~~could be~~ have been handed over to the raiyats for maintenance.

Though the said rules of 1873 have not, as you say, been included in the schedule to the Instrument of Transfer, they have, as a matter of fact, been in operation all the time. Work is being enforced and money recovered, ~~under~~ on the authority of these rules; and no ~~disputes~~ questions as to their legality have so far been raised on the ~~part~~ part of the persons ~~primarily~~ concerned.

Under coercive process

The attempt to define the exact nature and extent of this customary liability by means of statutory enactment involves, however, several difficulties, the chief of which is ~~that the occasion is sure to operate as an invitation to all and sundry to~~ the opportunity it will afford for all manner of questions regarding their validity being raised

bring forward doubts (not hitherto raised) as to the legal validity of the rules in force and objections (which would otherwise not be thought of) to the enforcement of the liability in question.

I may add that in the Bill as first drafted there were provisions defining the scope and extent of the customary obligations of the raiyat in respect of tank maintenance; and it was because it was considered inexpedient to bring the subject under public discusion at this stage, and ~~unnecessary and inconvenient to~~ complicate ~~complete~~ the ~~s~~heme of forming Village Panchayats by attempting to legislate on the whole question of the construction, repair and maintenance of tanks, that those provisions were dropped and the bill redrafted so as to ~~concern itself~~ deal solely with the constitution of Panchayats and the regulation of their duties and powers, leaving the customary obligations of the raiyats as they are. In this connection I would request

and attempts made to get the orders passed during the past 35 years called in question & claims set up for the ~~& re~~ return of moneys recovered at different times ~~set up~~ More will be difficult also in ~~getting~~ getting the Council (the non-official members particularly) to recognize the principle involved when the matter is brought before ~~it~~ it as an open question.

In the extract quoted in para 2 of your letter under reply Col Campbell is not correct in saying that "the Rules are in fact ~~de~~ disobedience". Not only were the penalties enforced but one of the abuses in enforcing the rule viz making the ryots responsible for what is called Cumulative neglect & recovering thousands of Rupees from them.

a reference to para 4 of the Statement of Objects and Reasons for the revised Bill (printed at page 7).

In case ~~In order~~, however, you consider ~~that there may be no vagueness about the use of the expression~~ that the phrase "customary obligations of raiyats" which occurs in several of the provisions of the Bill, should be defined, and ~~in order also to indicate~~ that legal sanction should be given to the rules contained in the Chief Commissioner's Notification ~~should be regarded as having the force of law~~, ~~it may be desirable to add~~ the following clause may be added to Section ~~definition~~ 2

"Whenever reference is made in this Regulation to the customary obligations of raiyats, in connection with the restoration, repair or maintenance of tanks, such reference shall, unless a different intention appears, be taken as applying to the obligations of raiyats as laid down in the Notification of the Chief Commissioner of Mysore No.65 dated the 2nd October 1873 with the alterations made therein by Govt:

for allowing by Coercive process was removed by the Rules of 1904 but in later years the ryots used to be held responsible for what was called Cumulative neglect i.e for the cost of repairs sometimes amounting to thousands of Rupees ~~for necessitated~~ were levied from them by by Coercive processes on the ground that such repairs were necessitated by their neglect in maintaining the tanks. This was one of the abuses in the working of the Rules of 1873 which were remedied by the orders of December 1904 (X)

Notification No.5262-Agri.626--03-7 dated the 15th December 1904."

The above addition and any verbal changes consequent on such addition will be considered after the Bill has been formally introduced into the Legislative Council.

Yours Sincerely,

3-12-05

I may add that whatever the force attaching to the Rules of 1873 maybe they have been repealed with slight modifications in the Rules of 1904 passed by His Highness the Maharaja. These Rules have the force of law in my view. There was no legislature Council in force at the time the Rules passed by His Highness have as much force as Regulations passed

passed by the newly
Constituted Legislative
Council. Moreover the
Rules of 1904 did not require
the sanction of the Govern
ment of India as they
did not deal with any
matter which had formed
the subject of legislation
during the time of the
Commission and referred
to in any of the enactments
mentioned in the Instrument
of Transfer.

XX The customary labor
on the irrigation works
referred to in para 3 of your
letter as laid down by
law in Madras refers to
a class of forced labor for
which we have no provision
in the Mysore Rules. It was
proposed to ~~embody~~ provide

Why
Paid
for
Ltr
to

by the Ulster Irrigation Committee of 1902 but later on the idea was abandoned

I send herewith the Orders connected with the Lines of the Committee of 1902

Please see the
Vth proc of the note
I of the Secretary
Committee E.A Pt

E.A Br for kindly

Govt of Tamil Nadu

(m) Rules

(n) Rules

(o) Rules

Malnad tract

Commissioner

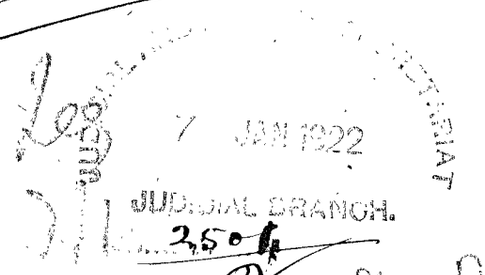
Revenue Department

Madras Irrigation Panchayats Bill

Irrigation Panchayats Bill

To the Judicial Branch for kindly putting a copy of the Madras Irrigation Panchayat Bill, if available

KRK 7.1.22 Jus. Brewen
7-1-22



The Gazette containing the Bill is not available in this Branch.

Allow 9/1/22 Jus. Brewen

Madras Irrigation Panchayats Bill

Bill

please give a file no. and also put up a copy of the Madras Irrigation Panchayat Bill.

31/12/21

Madras Panchayat Bill is not in English

Why was not this done?

This is not available 7/1/22

11.1.22

Madras Irrigation Panchayats Bill

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D 1294

D 12.90

5) Information may be gathered regarding
1 no of Tank Panchayats in Each Dt
2 How they are working
3 In what respects they have succeeded or not—
4 whether any changes are being done or Urgently all such Tanks

Y
11-3

Transferred to the Rev: Secretariat for favour of further action

Bon
13-3-19

Constitution Clause (4)

Clause (6)

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on, this form.

GPB—50,000—5-8-13

Recd 17.3.19
RSP.

5289

Clause (7)

10-3-19.

Madras Govt order No 391 Revenue dt 18.2.19 publishing the Madras Irrigation Panchayats Bill is submitted for perusal

2) A note on the present arrangements for Tank Maintenance in Mysore is now laid before the Dewan

3) The Madras Bill is simple to work than the Mysore Tank Panchayats Regulation inasmuch as under it the Panchayats can be ordered by the Collector, and as Panchayats can frame bye laws in pursuance of the Act without external interference

4) They are also given plenary powers ~~and Rules~~ Capable of being put into execution summarily

Bon

Dewan)

G.R.S. 111—3].

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Bangalore Dt	3
Kolar "	8
Tumkur "	37
Mysore "	4
Hassan "	2
Shimoga "	6
Kadur "	2
Chitaldrug Dt	9.
Total No.	71

Information collected from the latest half yearly report

With refee to para 5 Supra, it is subd as follo

1. 71 Link panchayats ha constituted X. been formed as details in the margin.
2. They are reported to be working well.
3. This should be ascertain by a refee to the Rec.
4. No panchayat is reporte to have taken up restorati work

Draft to the Rev Com is subd however for appl or other orders.

RSP 26.3.19

Perhaps the passing of the Bill may be awaited

Issue

SMK 27.3.19

SS 26.3.19

To the Rev. Com. in mysore no: R. 12978 d 9.4.19

Enquiries from the link panchay already constituted as now work & in what directions they have succee -ed most, # with refee to Kolar

The existing two Mysore mail charges are to be PCD

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Roútine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Draft Panchayat Bill published with Hr. Madras G.O. no: 3917 dt 8-2-19 & requests him to furnish his views as to whether any amendments to the T.P. Regn & Rules are necessary on the lines of the Act.

[Examined. Reminders may issue till reply is received]

A do reminder may be issued to the Revenue enquiring when the report may be expected.

10/4/20

30.10.20

Cannot the information wanted be gathered by the periodical returns & other reports by R.C.? M.L. will please speak to me with connected file

15-11-20

Seen the file. The matters dealt with are such as to require the same. A D.O. letter may issue as suggested

22-11-20

Draft D.O. Subd.

22-11-20 22-11-20

23.11.20

D.O. No: R 6316 dt 25.11.20 issued to the Rev: Commr.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Serial No.

From the Rev Comr. in Mysore
No. C. 4015 Dt. 19-20 & 15/19-11-21.

With reference to the enquiry made in this office letter dt 9-6-19 submits a report on the working of the Local Panchayat scheme and furnishes his opinion as to the amendments to be made in the Mysore Local Panchayat Regn. & Rules thereunder.

Submd.

9. The enquiry was made as per orders of the Dewan. (Vide para 5 of the note above.)

[illegible] 21/12/21 & 22.12.21

10. It is seen from the Dy Commrs' reports & the Statement accompanying the Rev. Commrs report, that the Panchayats constituted so far, have not done any satisfactory work, & have not, except in a few cases held regular meetings

NOTE—Contn. sheet.

The no. of Panchayats [illegible]

Serial No.

Constituted till now. (about 100) is disproportionately small when compared with the very large no. of restored tanks in the State (1600) His slow progress in the constitution of Panchayets is stated to be due to (1) want of proper education & understanding on the part of the raiyats, & (2) Complexity of the present procedure —

11. The following are the suggestions made by the Rev Commr. for consideration:

(i) Amendment of Section 3 of the Regn. So as to provide for the constition of a Pancha. yet with the consent of a majority of the raiyats in stead of a majority of 2/3 as at present. on the ground that it is difficult to secure such a majority, & that no majority is prescribed in the Madras Irrigation Panchayet bill —

The R. C is silent as regards

NOTE—Contn. sheet.

Serial No.

the extent of wet land to be held by the majority. At present, it should not be less than half the occupied area. May this be left as it is?

Under Section 3 as it now stands, a Panchayet has to be constituted for each village & not for each Tank. There may be cases in which more than one village is served by a single tank. It is not clear whether in such cases a Panchayet has to be formed for each such village. This point also requires consideration -

(ii) Since the Regulation does not prescribe any qualification for voters, it may be explicitly mentioned that every raiyat has the privilege of voting.

Rules 1 & 6 of the Rules under the Regn. seem to be clear, as all raiyats holding

Y.R. This is one point reasons why the scheme has failed by

Singular includes plural vide sec 2(l) 7.

NOTE—Contn. sheet.

Serial No.

dry lands, mohatarfa payers, holders of wet or garden lands are held to be entitled to vote. Whether Section 2(9) of the Regn should be amplified, is a point for orders.

V.V. Menon

(iii) Qualifications for electors & candidates for election may be prescribed in the rules instead of in the Regn. So as to avoid the necessity of resorting to legislation whenever alteration is found necessary — or in the alternative the minimum annual assessment prescribed in Sec: 4, in the case of a wet or garden land holder qualified for election to a Panchayet, may be reduced from Rs. 20 to 10/.

It may be noted that in the case of a dry land holder, the minimum assessment is Rs. 10/— at present. Whether the proposed reduction is necessary, is a point for orders.

× No provision is necessary in the case of voters as pointed above. — 8

NOTE—Contn. sheet.

Serial No.

(iv) Non-residence in a village may be regarded as disqualification for election and included in Sec 5.

(v) Section 8(a) may be amended so as to empower the Dy Commrs to remove any member of the Panchayet, for misconduct or other reasons. As the removal has to be ordered on the recommendation of the Panchayet, there seems to be no objection to give this power to the Dy Commrs.

Whether the Dy Commr's order should be final, or subject to appeal to Rev: Commr:, is a point for orders —

(vi) Amendment of Section 9, so as to provide for the appointment by the Dy Commr of the Shanbog or any elected member of the Panchayet as chairman whenever necessary —

Some of the Dy Commrs have suggested that the Sheristadar may be appointed as chairman when literate Patels are not forthcoming, & when a taluk covers more than one village. This

NOTE—Contn. sheet.

Serial No.

Does not seem to be a good suggestion. The Rev Commr also has not referred to this in his letter.

19 (vii) For enforcing the provisions of Sections 14 & 15 of the Regn under which a Taulk Panchayet has power to regulate the issue of water for irrigation and to restrict wet cultivation, some penal provision may be made so that a fine not exceeding Rs. 10/- or Rs. 10 per acre, whichever is greater, may be imposed by the Amildar in case of infringement of the rules made by the Panchayet for purposes of the said sections the Amildar's order being subject to appeal to the Sub-Dn officer & the Dy Commr, whose decision should be final —

(viii) (a) The powers now vested in Govt to sanction the constitution of a Panchayet (under

NOTE—Contn. sheet.

Serial No.

Section 3) and to exclude any tank or tanks in the village from the control of the Panchayat (under the proviso to Sec: 11) may be delegated to the Dy Commr, or at least to the Rev Commr.;

(b) the power to hear appeals against the Dy Commr's order declaring a person as disqualified for being elected as a member of a Panchayat or (under Section 5), and that, to abolish Panchayats (under Section 18) now reserved to Govt, may be delegated to the Rev Commr.

The respective Sections may be suitably amended, or provision may be made under Section 21. (Power to make rules) for the delegation to the Dy Commr. or the Rev: Commr., of the powers now vested in Govt under the Regn.

This seems to be more suitable

The above suggestions are made in view of the fact that in the Madras Bill, such powers are proposed to be given to the Collectors.

NOTE—Contn. sheet.

Serial No.

(IX) Orders of the Panchayat under Sections 13 (1) Sale of right of fishing, grazing, &c., 14 (Power to regulate the issue of water for irrigation), 15 (Power to restrict wet cultivation) and 16 (Panchayat may undertake the construction, restoration & improvement of a minor tank.) — should be made appealable to the Dy Commr. —

With regard to orders under Secs 14 & 15, the R.C has proposed under item (VIII) above, that any infringement of such orders should be subjected to punishment by the Tahsildar, subject to appeal to Dy Commr. The necessity for the orders of the Panchayat being made appealable to the Dy Commr., is not clear.

It is not also understood, what orders of the Panchayat under Sec: 16, would become appealable to the Dy Commr.

Penal provisions ~~Penalty powers~~ Not the subject to appeal

Yr. W.R. clear Perhaps more when the Sec is read with.

NOTE—Contn. sheet.

General and Revenue Secretariat. | File No. of 19

Serial No.

Orders under Section 13(1) may perhaps be made appealable to the Dy Commr. for reasons explained in the concluding portion of the R.C's letter.

After orders are passed on the several proposals of the R.C, the file may be referred to the Leg: Section for taking action to amend the Regn.

Rev Secy)

S
31.12.21

The ~~file~~ proposals of the Rev Comr re the amendments of the Tank Panchayet Regn & the Rules with reference to the Madras Irrigation Panchayet, Bill may be approved. Action will have to be taken in the Leg Section after orders are obtained

lcg
25/1
S

DEWAN'S OFFICE.
Rcd. on JAN 26 1922
Reg. No. 3931

Dewan)

Ag
Secy
31.1.22

NOTE—Contra sheet. 2908/9

To the Jud. Br. lcg 1/2

S
1/2/22

G. R. S. 111-2,

General and Revenue Secretariat. | File No. of 19 .

Serial No.

Having regard to Sec 57A (c) (iv) of the Mysore Local Boards and Village Panchayets Regulation, the question, whether there should be any separate Tank Panchayet, or whether its duties should be delegated to the Village Panchayet, and the tank Panchayet abolished, is under consideration. Opinion of the Rev: Commissioner, and the Deputy Commissioners has been called for. Under the circumstances, it is a point for consideration whether the amendments now proposed, should be taken up, or delayed till the question referred to above is decided upon. If it is decided to abolish the Tank Panchayet most of the amendments proposed go for nothing. It is better, perhaps, to wait till that question is finally settled.

Rev: Secy)

Cag
2/2/22

Marks - (A). I agree

Cag 9/2

Please await decision on the other question

Cag 9.2

Please perhaps this number with the previous number

Cag 11.2

NOTE—Contn. sheet

General and Revenue Secretariat. | File No. | of 19 .

Serial No.

This file was ---- issued by the L.S.G Conference section & returned with the remark that the resolution recorded on the subject will be sent in due course.

If approved this file will be kept in suspense till the receipt of the resolutions

BG. 8/5/23 AM 8/5

Yes. cay 8/5

Sec B for a perusal 9/5

may be sent to Confer. Section to kindly put up a copy of the Resolutions, if ready.

BG 30/5/23. AM 30/5

To Asst. S.G/Pr for kind compliance

A copy of the resolution on the subject is put up

K P 31.5.23

The resolution contemplates the amalgamation of ~~village~~ taluk panchayats with village Panchayats. So the orders to be issued on the resolutions of the Confce. may perhaps be awaited

yes. cay 4/6

NOTE—Contn. sheet.

BG 1/6/23 AM 4/6

Sec 4/6

G. R. S. III-2]

General and Revenue Secretariat.	File No.	of 19 .

Serial No.

This may be sent to the Rev. Branch for note & Return. The papers relating to that Branch linked to this file may be Retained there for such further action as may be necessary.

To the Rev Secty)

5/6/23.

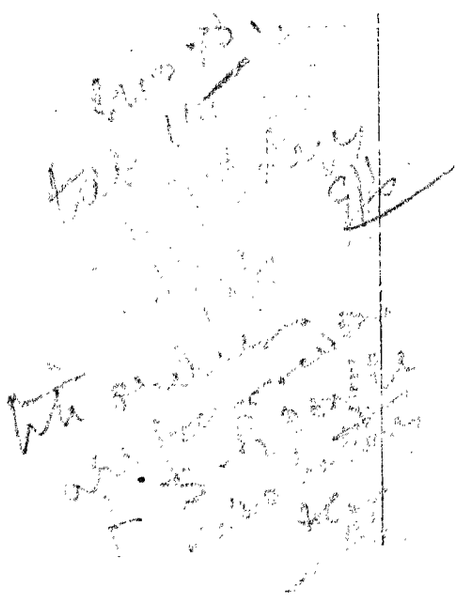
Secty

9/6/23

Rev Branch

Rcd to Revn Branch

9-6-23



NOTE—Contn. sheet.

Copy of Resolution No. VI of the Local Self Government Conference held at Bangalore in April 1923.

Resolved that a Committee consisting of official and non-official gentlemen be appointed (1) to formulate a detailed scheme for the establishment of Village Panchayets , (2) the Agency which should exercise control over these Panchayets, (3) to suggest the extent to which and in the manner in which the Panchayets should perform the obligatory duties, (4) to suggest the conditions under which Tank Panchayets may be amalgamated with the Village Panchayets, (5) to suggest what other matters of communal interest may be brought under the catagery of obligatory duties.

Extract of Assistant Secretary's Note re Tank Panchayets.

It will be seen from the above extracts that the Panchayets constituted, have not justified their existence. They do not seem to have undertaken the restoration of minor tanks. The object of the scheme has not been realised. The question of doing away with separate panchayets for tanks is under consideration in the Legislative Section as already noted.

Itd. S.S.

26-8-22.

The present position is very unsatisfactory. This may be sent to the Leg.Section for reference and return.

Itd. A.R.B.

20-9-22.

FROM

Bangalore, 15th November 1921.

K. R. SRINIVASIENGAR ESQ., M.A.,

Revenue Commissioner in Mysore.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue *Department.*

SIR,

With reference to your letter No. R.12978/L.R. dated 9th April 1919 calling for a report about the working of the Tank Panchayets already constituted and for my opinion as to whether any amendments to the Mysore Tank Panchayet Regulation or Rules framed thereunder are necessary on the lines of the Madras Irrigation Panchayet Bill published in the Madras Government Order dated 18th February 1919, I have the honor to submit herewith copies of (x) the marginally noted letters from the Deputy Commissioners furnishing their opinion in the matter as also a consolidated statement showing particulars of Panchayets already constituted and the work done by them.

(1) Bangalore Deputy Commissioner's letter No. H.C.151/19-20 dated 20-9-1920.
(2) -do- No.H.C.136/18-19 dated 9/12-6-20.
(3) -do- letter dated 30-7-1920.
(4) Kolar Deputy Commissioner's letter No. R.H.C.63/19-20 dated 4/5th April 1920 (with its enclosures in original).
(5) Tumkur Deputy Commissioner's letter No. D.2 Dis.340/19-20 dated 11/12-9-1919
(6) Mysore Deputy Commissioner's letter No. D.2 Dis.67(Mt)19-20 dated 22-1-1920
(7) Hassan Deputy Commissioner's letter No.647 dated 20-12-1919.
(8) Shimoga Deputy Commissioner's letter No. H.C.63/Rev.18-19 dated 18-12-1919.
(9) -do- No. D.2 Dis.263/20-21 dated 25th August 1920.
(10) Kadur Deputy Commissioner's letter No. D.1 Dis.202/19-20 dated 4-2-1920.
(11) Chitaldrug Deputy Commissioner's letter No.D.2 Dis.14 Mt./19-20 dated 12-9-1919.

2. It will be seen from the statement that while a few of the Panchayets have been taking some interest

R. C. 4.

From

K.R. SRINIVASIENGAR ESQ.,M.A.,
Revenue Commissioner in Mysore.

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
Revenue *Department.*

Dated Bangalore, 15th November 1921
Despatched 19.11.21
Received
General No. e.40158 / 19-20
Enclosure No. five

SUBJECT.

Re: certain amendments to the Mysore Tank Panchayet Regulation and Rules thereunder.

in their work and have justified their formation, the majority have not come up to expectations. It will also be observed that, considering the very large number of tanks in the State, the number till now brought under the operation of the Tank Panchayet Regulation is extremely small. The Deputy Commissioners attribute this, partly to the want of proper understanding and education on the part of the ryots, and (2) partly to the complexity of the present procedure prescribed in respect of the formation of the Panchayets. Some of the Deputy Commissioners have made suggestions for alterations in the Regulation as well as the Rules framed under it. After a careful perusal of the provisions of the Madras Bill and of the opinions expressed by the Deputy Commissioners, I beg to make the following suggestions for the modification of ~~our~~ the Regulation for the consideration of Government:--

(1) Section 3 of the Regulation requires that for the constitution of Panchayets, the consent of at least two-thirds of the majority of the ryots of the village is necessary. Considering that it is often difficult to obtain this majority and that, in the Madras Bill, no majority is prescribed at all, but it is left to the Collector to satisfy himself about the demand for the Panchayet in the village, I would suggest that a mere majority (of more than a half) may be deemed sufficient without prescribing any minimum limit for it.

(2) I am of opinion that the qualifications for electors as well as candidates for election may be prescribed in the Rules instead of being embodied in the Regulation itself, so that they may admit of being altered by Government from time to time without necessitating resort to legislation to amend the Regulation. If, however, the Government do not agree in this view, I would suggest that the minimum annual wet or garden assessment prescribed in Section 4 to entitle a ryot to stand as a candidate to qualify for election to the Panchayet may be reduced from Rs 20 to Rs 10, so that the minor tanks, with a number of small holdings under them, may be easily brought

under the operations of the Regulation.

(3) As it is very desirable that all the Panchayetdars should be the residents of the village, non-residence in the village may be included in the list of disqualifications for election to the Panchayet given in Section 5 of the Regulation.

(4) No qualifications have been prescribed in the Regulation for voters, but qualifications have been laid down only for candidates for election. I believe that it is intended that every ryot, as defined in Section (2) (9), should have the privilege of voting. This may perhaps be made clear by explicit mention in the Regulation.

(5) The Deputy Commissioners may be empowered to remove any Member of the Panchayet for misconduct or other reasons, instead of obtaining the sanction of Government in each case, as required under Section 8 (a). I would therefore suggest that the words 'and subject to the sanction of Government' occurring in this Section may be deleted.

(6) I agree with the opinion expressed by some of the Deputy Commissioners about the undesirability of making the appointment of Patel as Chairman obligatory as required under Section 9 of the Regulation. This Section may be therefore modified by inserting the word ordinarily' between the words "shall" and "be the Chairman" in this Section, and adding a proviso at the end of it to the following effect:--

"Provided that in special cases where the Patel is illiterate or where,for other reasons to be recorded in writing his appointment as Chairman is considered inadvisable, the Deputy Commissioner may appoint as Chairman the Shanbhogue or any elected Member of the Panchayet".

(7) Sections 14 and 15 give certain powers to the Panchayet to regulate the issue of water for irrigation and to restrict wet cultivation. But, no penal provision is made, as has been done in the Madras Bill, for enforcing the

provisions of these Sections. As, in the absence of any such provision, the Panchayets will be powerless to enforce any rules made by them in exercise of the powers vested in them under the above Sections, I would suggest that provision may be made for a fine not exceeding Rs 10, or Rs 10 per acre, whichever is greater, being imposed by the Amildar in cases of infringement of the rules made by the Panchayet under the above Sections, the decision of the Amildar being subject to appeal to the Sub Division Officer and the Deputy Commissioner whose decision may be final.

(8) Under the Regulation as it stands, the constitution of every Panchayet, the exclusion of particular tanks from the control of the Panchayets and the abolition of the Panchayets require the sanction of Government. In the Madras Bill, these powers are proposed to be vested in the Collectors. I am of opinion that the powers reserved for Government under Sections 3 and 11 may be entrusted to the Deputy Commissioner, or at least the Revenue Commissioner, while the powers to hear appeals against the Deputy Commissioner's order under Section 5 and to abolish the Panchayets under Section 18 may be delegated to the Revenue Commissioner. This may be done either by a suitable modification in the wording of the above-named Section, or by providing under Section 21 for the delegation to the Deputy Commissioner, or the Revenue Commissioner, of the powers vested in Government under the Regulation.

(9) Provision has not been made in the Regulation for appeals against orders passed by the Panchayet in exercise of the powers vested in them under Sections 13 (1), 14, 15 and 16. Section 18 (1) provides for the abolition of the Panchayet when it exceeds or abuses its powers; but, this is a drastic measure which should be resorted to only in extreme cases. In ordinary cases, it is desirable that any arbitrary or unjust exercise of its authority by a Panchayet should be guarded against and promptly remedied by making their orders appealable to the Deputy Commissioner. The necessity for such a provi-

sion

provision has been brought to notice only recently in a certain case in the Tumkur District. The Tank Panchayet of Kallur (in the Gubbi Taluk) sold the right of fishing in the tank and confirmed the sale in favour of the auction purchaser. An appeal having been preferred against the decision of the Panchayet to the Deputy Commissioner, he directed the cancellation of the sale and the holding of a re-sale; but the Panchayet declined to give effect to his order on the ground that he had no power to interfere in the matter. The Deputy Commissioner thereupon recommended the abolition of the Panchayet, but I was not prepared to adopt such a drastic measure ~~necessary~~ in the circumstances of the case. A situation of this kind would not have risen if the Deputy Commissioner had powers to hear appeals against the Panchayet's order. I therefore beg to suggest that a Section may be added to the Regulation to the effect that an appeal shall lie to the Deputy Commissioner against any order passed by the Panchayet in exercise of any of the powers conferred on them under the Regulation and that the Panchayet shall be bound to give effect to the orders passed by him on such appeal.

I have the honor to be,

Sir,

Your most obedient servant,

Revenue Commissioner.

M.B.R.

Rejd Hon 10.3.19

Government of Madras

REVENUE DEPARTMENT

G.O. No. 391, 18th February 1919

Madras Irrigation Panchayat Bill

Ordering the publication of the — for public criticism.

Order—No. 391, Revenue, dated 18th February 1919.

The Madras Irrigation Panchayat Bill, with the statement of objects and reasons, is herewith published for public information and criticism. The Superintendent, Government Press, is requested to arrange to publish the annexed notification in the *Fort St. George Gazette* in English, Tamil, Telugu, Kanarese and Uriya and in all District Gazettes, except those of Madras, the Nilgiris, South Kanara, Malabar and Anjengo, in English and in the vernaculars of the respective districts. The Tamil, Telugu and Kanarese Translators to Government and the Collector of Ganjām are requested to furnish the Superintendent, Government Press, with translations at a very early date.

Miscellaneous

(True extract)

M. YOUNG,
Tempy. Addl. Secretary to Government.

Editors' Table.

[Annexure

ANNEXURE

NOTIFICATION

The following Bill to provide for the regulation of customary labour, for the maintenance and repair of irrigation works and for the distribution of water therefrom is published for public information and criticism. Objections or suggestions will be received up to 1st May 1919.

The Madras Irrigation Panchayat Bill.

WHEREAS it is expedient to make better provision for the regulation of customary labour, for the maintenance and repair of irrigation works and for the distribution of water therefrom, it is hereby enacted as follows :—

This Act may be called the Madras Irrigation Panchayat Act, 191

2. It extends to the whole of the Madras Presidency except the Presidency town and the scheduled districts as defined in the Scheduled Districts Act, 1874.

3. In this Act unless there is something repugnant in the subject or context—

(1) 'Village' means any local area which is recognized as a Government village in the revenue accounts and for which the revenue accounts are separately maintained or which may hereafter be declared by the Governor in Council or subject to his control, by the Board of Revenue, to be a village for the purposes of this Act.

(2) 'Landholder' includes all holders of land under ryotwari settlement or in any way subject to the payment of land revenue direct to the Government and all persons in occupation of Government land as owners or cultivators or under any other title.

(3) 'Irrigation works' means and includes all channels, tanks and reservoirs with their distributary, supply and drainage channels, constructed, maintained or controlled by Government and used for the supply or storage of water for irrigation purposes which may be declared by the Governor in Council or by an officer duly empowered by him in that behalf to be an 'irrigation work' for the purpose of this Act.

4. (1) Subject to such general or special rules as the Governor in Council may make in this behalf, the District Collector may, when he is satisfied that a substantial demand exists, constitute an irrigation panchayat for a village or for an individual irrigation work or part of such work in that village or an irrigation board consisting of two or more panchayats or delegates therefrom to meet the case of irrigation works irrigating more

than one village. The procedure laid down in the following sections as regards the panchayats shall also apply to irrigation boards. Such panchayat shall consist of not more than nine and not less than three resident landholders of the village who shall be appointed by the landholders by election which shall be made in accordance with rules prescribed under the Act. The village headman shall be a member of such panchayat ex-officio. All other members shall hold office for a period of three years but shall be eligible for re-election.

(2) Subject to such rules as the Governor in Council may make in this behalf, the panchayat may (*a*) elect a President from among themselves and (*b*) frame by-laws for the conduct of its business.

5. (1) On the constitution of an irrigation panchayat under the last section, the District Collector may place any irrigation work or any portion thereof which he considers suitable for management by a panchayat, under the control of the panchayat subject to such conditions as may be prescribed by any rules framed by the Governor in Council in this behalf.

(2) Subject to the rules mentioned in clause (1) and to any further rules that may be framed by the District Collector in this behalf, a panchayat appointed under section 4 shall have power—

(*a*) to demand from the village community such customary aid in connexion with the irrigation work under its control as may be demanded by the village headman under section 6 of the Madras Compulsory Labour Act of 1858, to determine the amount to be recovered from any person in lieu of such labour and to recover that amount and utilize it as provided in the aforesaid Act,

(*b*) to regulate in respect of any irrigation work under its control the manner and the order in which the lands in the village under that work shall be irrigated, the time of the commencement of the issue of water, the period down to which the supply of water shall continue and the quantity to be let out,

(*c*) generally to take such steps as may be necessary in order to secure the proper maintenance of any irrigation work entrusted to its control and the due utilization of the water contained therein.

6. Any panchayat constituted under section 4 may frame such by-laws as it may deem expedient for the purposes set

out in the last preceding section and shall publish such by-laws in the village in such manner as the Governor in Council may direct.

7. (1) Any person who in contravention of the by-laws framed and published by the panchayat under the preceding section irrigates, or causes or permits to be irrigated, his land, from any irrigation work under the control of that panchayat shall be liable to pay, by order of the panchayat, a penalty not exceeding Rs. 20 per acre for any land in his holding so irrigated and the panchayat may stop the supply of water to such land until the penalty is paid or attach the movable property of the defaulter to the value of the penalty in the manner laid down in section 52 of Madras Act I of 1889.

(2) Such penalty shall be without prejudice to the imposition of any enhanced water-rate which may be imposed under the rules made by the Governor in Council under the Madras Irrigation Cess Act, 1865, provided that any enhanced water-rate which may be imposed under these rules shall be reduced by the amount of any penalty which may have been imposed and collected by the panchayat under sub-clause (1) of this section.

(3) No appeal shall lie to the Collector except on the ground that the by-law or order of the panchayat under clause (1) is contrary to the orders passed by the Revenue authorities or to any turns or agreement recognized by them or that it is contrary to law.

(4) No Civil Court may take cognizance of any suit relating to any order of the panchayat imposing a fine or stopping water except on the ground that the order or by-law is contrary to law or a decree of a Civil Court.

8. All penalties and other sums which may be received by a panchayat shall be utilized for the purposes of this Act.

9. (1) If in the opinion of the District Collector any panchayat persistently makes default in the performance of the duties imposed upon it by this Act or exceeds or abuses its powers, such Collector may, after giving an opportunity to the members of the panchayat to be heard in their defence, order the panchayat to be dissolved.

(2) Where a panchayat has been ordered to be dissolved, the members

thereof shall vacate their office from the date of the order of dissolution and the District Collector shall take charge of any moneys which may be in the hands of the panchayat and shall utilize the same on such purposes and in such manner as may be directed by the Governor in Council by rules under this Act.

10. No member of the panchayat shall be liable to be sued for any act done in good faith in pursuance of the provisions of this Act and no suit or application shall lie in any Civil Court for the issue of an injunction to restrain the panchayat or any member thereof from exercising any of the powers conferred under this Act.

11. The Governor in Council may make rules for the purpose of carrying out the provisions of this Act and may alter the rules from time to time :—

(1) for the conduct of business by panchayats and for the maintenance of a record of their proceedings,

(2) for the election of the members of the panchayat,

(3) for the election of the president of a panchayat,

(4) for defining what is meant by 'customary aid' in section 5 of the Act,

(5) for declaring the objects on which expenditure may be incurred by a panchayat,

(6) for the guidance of the District Collector in the exercise of the duties assigned to him,

(7) for the conduct of inquiries by panchayats,

(8) generally for the purposes of this Act.

12. The Governor in Council may appoint any officer in addition to the District Collector to exercise any or all of the powers of a District Collector under this Act.

STATEMENT OF OBJECTS AND REASONS.

The working of the kudimaramat system has been unsatisfactory in many districts of the Presidency. The existence of factions in villages, the absenteeism of landlords, the want of co-operation among the ryots, added to the cumbrous nature of the procedure under the Madras Compulsory Labour Act of 1858, are among the principal causes which have led to its failure. It is thought that a remedy for these defects will be found in a development of the panchayat system. Informal panchayats have already been formed in some villages to regulate the distribution of water, to provide for the performance of customary repairs to tanks and channels and to settle irrigation disputes. If legal force is given to the decisions of such bodies, their influence will be greatly increased. The object of the present Act is to institute irrigation panchayats on a statutory basis.

M. YOUNG,
Tempy. Addl. Secretary to Government.

1	2	3	4	5	
District	Name of Panchayat, and Government order sanctioning its constitution; Villages over which it has jurisdiction.	Name of Panchayat actually formed, ie, members appointed and number	Occasional Meetings, if any, held by the Panchayat and business done	Amount of Bank fund collected	Remarks

	(Bangalore Dk) 18 villages		two years but for the last three years Meetings were held irregularly.			in two different villages and members live in different villages there is not the required facility for organising and arranging meetings. The Deputy Commissioner proposes to submit proposals ~~for Cas~~ for constituting them into two separate Panchayets.
	Madhure - Anamikere (1916) (Doddaballapura Dk)	Madhure - Anamikere	Six meetings held upto 21st Nov. 1916 Lantana clearing and the earthwork to the bund here and there.	A sum of Rs. 45-12-0 realised by the sale of Hullarni and dead trees on the bund.		No water in tank during 1917 and 1918; Tank full in 1919 and arrangements made to hold meeting again.
	Kempasagara Tank (1916) (Magadi Dk)	Kempasagara Tank (1916)	Five meetings in 1917 and one in - 1919	Rs. 80/- realised by sale of fishery.		Difficulty to secure attendance of members due to factious spirit and non-availability of competent men - Suggests official control and management for some time.
	Total (3)					
Kolar	Kodikanmur Tank (July 1914) Kolar. Kodikanmur.	Kodikanmur Tank (Dec. 16) (6 members)	19 meetings held; maintenance work to tank and repairs to channels done. Prickly pear removed	Rs. 11/- realised for leasing fruits of tank bed for temporary cultivation		Water was economically used and two crops raised during 1916-17 and 1917-18.
	Voluvadi Tank (March 18) Kolar. Voluvadi.	Voluvadi Tank (Apr. 18) 5 members				
	Muddenahalli Tank (Nov. 17) Chikballapur 3 villages	Muddenahalli Tank (Aug. 17) 5 members	one meeting held			
	Doddamalli Tank (Aug. 18) (Chikballapur (5 villages)	Doddamalli Tank (Apr. 18) 5 members	Two meetings held			
	Amani Byrasagara (Dec. 16) (Gudibanda) 12 villages	Amani Byrasagara 11 members	two ordinary meetings and one special meeting			
	Honganahalli Jambunkere (July 15) Mathur. Honganahalli	Honganahalli 7 members	Fifteen meetings held			Questions relating to Tank repairs, sale of fishery and grass were discussed. Question of formation under consideration. The question of formation under
	Masti Krishnarajasagara (Feb. 18) Masti Timmalahatti Tank (Mar. 18) Timmalahatti					- do -
	Amani Sivarapetna Tank (May 18) Sivarapetna	Sivarapetna Tank (May 18) 7 members	Three meetings held	Rs 36-8-0		Amount realised by sale of fishery to be utilised for repairs of

		Huldenahalli	1 members			
		Kalkere Jank (Feb^{y} 18) Kalkere.				Question of formation under correspondence.
		Total 11.				
Trunkur	Honnudike Amanikere Trunkur. (July 14) 2 villages		Honnudike Amanikere (Feby. 18) 7 members			
	Trunkur Amanikere (Sep^{t} 15) Trunkur		Trunkur Amanikere (Oct. 16) 7 members	11 Meetings	Rs 6/- (Mostly)	
	Rangapura Jank (Maddagiri Ta) (May 1917) 4 villages		Rangapura Jank (Apr. 18) 10 members			
	Kalidevapura Jank (Sep^{t} 17) Kalidevapura		Kalidevapura Jank (Jany. 18) 6 members			
	Mydanahalli Jank (Feb'y 18 Mydanahalli		Mydanahalli Jank (May 18) 6 members			
	Dodderi Jank (Jany. 16 Dodderi		Dodderi Jank (July 17) 7 members			
	Dabbeghatta Jank (Jan'y 16 Dabbeghatta		Dabbeghatta Jank (July 17) 5 members			
	Kittagali Jank (Jan'y 16 Kittagali		Kittagali (July 17) 5 members			
	Vimpasandra (Paragada) (May 17) Vimpasandra		Vimpasandra (May 17) 11 members			
	Kodimadagu (May 17 Kodimadagu		Kodimadagu (May 17) 7 members			
	Palavalli Jank (June 18) Palavalli		Palavalli (June 18) 8 members			
	Bhadarayankere (May 17) ~~Gyandahalli~~ Nagalamadike		Bhadarayankere (May 17) 7 members			

Tumkur	Gundakahalli Tank (May 17) Gundakahalli	Gundakahalli (May 18) 8 members		
	Gummaghatta Tank (May 17) Gummaghatta	Gummaghatta (May 17) 8 members		
	Kottageri Amanikere (Jan? 17) Kunigal 5 Villages	Kottageri (Jan? 17) 6 members		2 meetings
	Galiyur Tank (Dec 16) 3 Villages	Galiyur 7 members		
	Halavagal Hulkere (Dec? 16) Halavagal	Halavagal – 5 members		
	Mallekavu (Mar 16) Kunigal Mallekavu	Mallekavu (Feby 18) 6 members		2 meetings held Removal of scrub vegetation, economic distribution of water and filling up cavities
	Gattahalli (Aug. 17) 4 Villages	Gattahalli (May 18) 10 members		
	Agrahara Tank (Jan? 18) 5 Villages	Agrahara Tank (May 18) 10 members		
	Rampura Tank (Apr. 18) Rampura	Rampura (May 18) 5 members		
	Sulekere Tank (May 18) Turuvekere Sulekere	Sulekere (May 18) 6 members		

Total 22.

Total as per latest return is 60 –

Mysore	Vijapur Amanikere (Nov^r 14) Gundlupet 2 villages.	Vijapur (Jan'15) 11 members	22 meetings held	Rs. 272-14-2 realised.	Rs. 101-4-0 spent, leaving a balance of Rs. 171-10-2	
	Dandeeramanakere (Aug. 14) (Krishnarajpet)	Dandeeramanakere (Sep^r 14) 11 members	15 meetings held	Rs. 131-2-9	Rs 12-8-0 has been spent	
	Agalekere (Jan^y 17) Agale	Agale (Feb^y 18) 11 members	4 meetings held	Rs. 175/-	Rs 3-2-0 spent up-to-dat	
	Devambudi Tank (Sep^r 14) Mysore 3 villages.	Devambudi (Dec 14) 10 members	7 meetings; Repairs to tank at a cost of Rs. 457/-			
	Total 4					
Hassan.	Shanka (Hassan) Dodkere (July 14) Shanka	Shanka Dodkere	A few meetings held. cleared jungle from	Rs 58/-		
	Hirisave (July 14) (Nrammdakere)	Hirisave Nrammda-kere			Not in working order	
	Dodkere (July 14) Hole Narsipur. Ichanahalli	Dodkere Ichanahalli				
	Total 3.					
Shimoga	Huchannanakere (Apr. 15) Shimoga Nidige.	Huchannanakere (Apr 15) 8 members	13 meetings; clearance of lantana and small repairs to the tank at a cost of Rs 245/-	Rs. 19-8-0		
	Nallur Tank (Jan. 15) Bhannagiri Nallur	Nallur Tank (July 16) 5 members	8 meetings; removing silt and repairs to the bund	Rs 101/-		

Shimoga	Javanikere / Shikarpur	(Dec 14) Ugama	Javanikere (Mar 15) 6 members			Rs 298-9-8.	
	Bandikere / Soraba	(May 14) Manali	Bandikere (June 14) 8 members	4 meetings.		Rs. 14/- only.	
	Thotadakere	(July 14) Andige	Thotadakere (Nov '14) 8 members	5 meetings; repairs to sluice and jungle clearing		Re 1/- only.	
	Mandagleatta / Thumsi	Hosakere (Dec. 14) (Mandagleatta)	Mandagleatta (Feb. 15) 6 members	7 meetings held		Rs 27/-	Rs. 11/- spent up-to-date
	Total 6						
Kadur	Magadi Tank	(1914) Magadi and hamlet	Magadi Tank (July 14) 5 members	jungle clearing and petty repairs			
	Singalagere	(Mar. 14) Singalagere	Singalagere (Dec. 14) 6 members	Ten meetings.	Rs. 100-4-1 Collected		Rs. 90/- spent.
	Total 2						
Chitaldrug	Audamurlolly / Holalkere	(July 14) Audamur	Audamur (July 14) 6 members	2 meetings held.	Rs. 30-11-0		
	Jammapur Tank / Jagalur	(1917)	Jammapur 8 members				
	Bharmasamudra	(17)	Bharmasamudra (1918) 9 members				
		(1917)	Yadalur Tank (1918)				

Ainakundi Molakalmuru	Jank (1918) (Ainakundi)	Ainakundi (1918) 8 members	Two meetings	Rs. 69-11-0 Collected
Nagasamudra Nagasamudra	Jank (1918)	Nagasamudra (1918) 6 members	Only one meeting held	Rs. 166-13-6 Collected
Parasurampura Chellakere	(1914) Parasurampura	Parasurampura (1914) 6 members	Two meetings held	
Kondajji Harihar.	Jank (1916) Kondajji	Kondajji (1917) 8 members	7 meetings held	Rs. 327-12-3 Collected
Bharmasagara Chitradurg	(1916) 3 villages	Bharmasagara (1917) 4 members	2 meetings held	

For Revenue Commissioner

MSR 41

In reply to your No.C. 4015/Gl./one. calling for the submission of a report upon the working of the tank panchayets constituted in the District etc., I have the honor to state that there are at present nine tank panchayets in the District. None of them havebeen working satisfactorily even though several attempts have been made to guide them in conducting the affairs of the tanks concerned.

A very great want of interest is seen among the panchayetdars as a result of which it is found very difficult even to secure the presence of them all at their quarterly meetings.

No attention is paid to jungle clearing or earth work maintenance or to the wasteful flow of water allowed through the sluices.

The spirit of the Regulation is not at all understood by any of the Panchayetdars due probably mainly to ignorance and secondly to indifference and want of interest. There are also certain inherent difficulties in the provisions of the Regulation which militate against the practical working of the Scheme. They are (i) Rule 9 Tank Panchayet Regulation. The patel is invariably nominated Chairman of the Panchayet under the existing system. In most cases he is illiterate; under such circumstances he cannot adequately discharge the duties of the responsible office of Chairman. A second difficulty arises in the case of tanks irrigating 2 or more village lands; which of the village patels is to be the Chairman is a question that cannot be solved at present and the patel of any one of the villages if so selected cannot command any influence over the other villagers.

2. Important local questions having got to be settled by the Panchayet such as those laid down in Rules 12, 13, 14 and 15 of the Tank Panchayet Regulation itwill be impossible for any person out of a local body such as the patel of the village to come to decisive conclusions since such decisions will lead to the party's becoming unpopular in the village.

It is therefore very desirable that the sheikdar of the hobli in which the Panchayet is situated should be made the Chairman since he cannot have any vested interest in the village.

3. Next, referring to clause 13 (i) (a) it does not stand to reason that the Panchayet should have the right of control of fishing in the tank where the ryots are made responsible for earthwork maintenance.

As regards 13 (i) (b) I beg to point out that it is impracticable being against communal interest.

Letter No. D.P.Dis.202/19-20 dated 4th February 1920 from the Deputy Commissioner, Kadur District, to the Revenue Commissioner in Mysore.

With reference to your docket No. C.4015 of the 5th August 1919, calling for a report as to how the tank panchayets already constituted are working, and in what directions they have succeeded most and also desiring to know whether any amendments to the regulation are necessary, I have the honor to state that there are two tank panchayets in this District, one at Magadi in the Chikmagalur Taluk and the second at Singatagere in the Kadur Taluk and that proposals for constituting a third one in respect the Iyyanakere tank of the Sakrepatna village are under consideration. It is reported that of the two tank panchayets already formed, that at Singatagere is not working satisfactorily and that necessary action is being taken by the Amildar.

In the Malnad parts of the District there are no large tanks to which the regulation can be made applicable. It is only in the case of some tanks in the maidan parts that the regulation can be put into force. The experience gained in this District as regards the working of the regulation is so little

succeeded most or what amendments are necessary in the Regulation for making it a success. Owing to change of times, the village institutions which used to attend to the village affairs have gone to pieces and it necessarily takes time for new institutions suited to altered conditions to come into existence.

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Letter No.D.2.Dis.263/20-21 dated 25th August 1920 from the Deputy Commissioner, Shimoga District, to the Revenue Commissioner in Mysore.

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With reference to your docket No. C.4015/Gl. dated the 5th August 1919, I have the honor to state that a report on the working of the several tank panchayets in the District was submitted with this office No.H.C.68/Rev.18-19 dated the 18th December 1919.

The existing provisions in the Tank Panchayet regulation appear to be sufficient for making the panchayets useful and the necessity of improving the working of the panchayets by frequent inspections has been impressed upon the Amildars and the Sub Division Officers.

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Letter No. Gl.647 dated 20th December 1919 from the Deputy Commissioner, Hassan District, to the Revenue Commissioner in Mysore, Bangalore.

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With reference to your docket No. C. 4015 dated the 5th August 1919 calling for a report on the working of the tank panchayets and about the amendment of the regulation etc., I have the honor to state that no tank panchayet is reported to be working in this District. Action will be taken to bring the rules into force in some places of the District.

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Letter No. D.2.Dis. 67/Mt. 19-20 dated 22nd January 1920 from the Deputy Commissioner, Mysore District, to the Revenue Commissioner in Mysore, Bangalore

========

Adverting to your No.C.4015/Gl. dated 5th August 1919 regarding the working of the tank panchayets in this District, I have the honor to report that six panchayets have been sanctioned till now in this District and the constitution of five more is under correspondence. The working of the panchayets in French Rocks Sub Division is better than in other Sub Divisions. The poor achievement is due to the ignorance of the ryots and dissensions among them and to the paucity of funds.

As for amendments to the regulation I think it necessary to alter section 3 of the regulation. A panchayet may be, in my opinion, constituted if the holders of not less than half the wet lands under a tank agree to it. The stipulation that two-thirds of the ryots under the tank must agree has hindered the progress of the scheme as on account of quarrels among ryots in almost every village they do not come forward.

Secondly the panchayets may be authorised to recover acreage contribution from the ryots instead of enforcing labour from them for maintenance or restoration works.

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Letter No. D.2.Dis.340/19-20 dated the 11th September 1919 from the Deputy Commissioner, Tumkur District, to the Revenue Commissioner in Mysore,

In reply to your docket No. C.4015/Gl. dated 5th May 1919, calling for a report regarding the working of the Tank Panchayet scheme, I have the honor to state that an exhaustive report has already been submitted on the subject with this office No.D.2.Dus. 50/19-20 dated 5th July 1919 with reference to your No. C.563/Gl. dated 3rd August 1919.

As regards the query whether any amendments to the regulation are necessary and what further action is desirable for making the panchayet more useful, I may be permitted to state that the present election rules are too elaborate and technical to be of use in the practical working of the scheme. In fac the election system itself does not seem to be quite suited at this stage when the people especially in rural areas are not sufficiently educated to appreciate the advantages of the election principle and elect the proper persons who will conscientiously and disinterestedly work towards the successful working of the scheme and command the confidence and respect of the people.

There are factions in each and every village and there is hardly any co-operation among villagers for carrying out the measures of communal benefit. Education is gradually permeating in villages and it will take some time for the people to realise that by mutual trust and co-operation alone they can secure their happiness. As it is, the party which is stronger in the village succeeds in getting all the votes in the election for themselves. This very often shuts out many an useful member of the community who may be really willing to serve the cause of the public.

For these reasons, I would recommend that the election principle may be put off for some years more and that the local revenue officers may be asked to select men who will command the confidence of the people as members of the panchayet. A similar principle is adopted with regard to the village courts and it is found to work well.

All that is wanted in successfully working the scheme is to secure the services of men who may be willing to work for the good of the public without much self interest and such men cannot under conditions now prevailing in villages be secured by resorting to election.

Letter No. R.H.C.63/19-20 dated 4/5th April 1920, from the Deputy Commissioner, Kolar District. to the Revenue Commissioner in Mysore, Bangalore.

With reference to your No.4015/Gl.18-19 calling for a report as to how the tank panchayets already constituted are now working and for the submission of the proposals regarding the amendment, if any, to the tank panchayet regulation, I have the honor to invite kind reference to this office letter No.R.H.C. 840 dated the 22nd May 1918 and also to my observations contained in the Administration report of this District, Page 32.

Owing to some practical difficulties such as those experienced in the selection of sympathetic and enthusiastic members for the panchayet when the atchkat belongs to different villages and the want of qualified chairman who can command respect, influence etc., the progress has been slow. It is not possible to state if the panchayets already constituted have succeeded in anything till now-vide copies of the letters of the Sub Division Officers received on the subject. The scheme is yet in its infancy. As the villagers advance in education and realise the benefits of the scheme and their responsibilities in the matter its working will become easier and more satisfactory. Till then it will have to be watched with interest and care.

No amendment other than providing a wider scope for the selection of a competent chairman is deemed necessary. In cases where the patel who is the only man now competent to be a chairman is illiterate and cannot command influence in the locality, the Amildar should be given sufficient discretion to

In spite of the difficulties in the way of the successful working of the scheme, I am of opinion that the slow progress is due to a want of interest on the part of the local officers and I am taking needful action in the matter.

Letter dated the 30th July 1920 from the Deputy Commissioner, Bangalore District, to the Revenue Commissioner in Mysore, Bangalore.

With reference to your No.C.335/Gl.20-21 dated 21st instant, calling for a brief report on the working of the tank panchayet scheme in the District during the year 1919-20, I have the honor to invite attention to my detailed report No. H.C.136/18-19 dated 12th June 1920 and to state that there has been no further progress since.

As per margin there are only three panchayets now working in the District. A proposal is under correspondence for the separation of the Varthur and Belandur tank panchayets.

Varthur Belandur tank panchayet in Bangalore Taluk.

Madhure Amanikere tank Panchayet in Dodballapur Taluk.

Kompu Sagara tank panchayet in Magadi Taluk.

Want of progress is attributed to the difficulty experienced in finding competent men to manage the panchayet when constituted, in securing the attendance of members at meetings and also to factions prevailing in many villages. Efforts are, however, being made to popularise the scheme.

Letter No. H.C.136/18-19 dated 9/12th June 1920 from the Deputy Commissioner Bangalore District, to the Revenue Commissioner in Mysore, Bangalore.

With reference to your D.O.No.563/Gl. dated the 4th July 1919, calling for short notes as regards work done by each tank panchayet in this District from the date of its constitution, I have the honor to state that there is one tank panchayet in each of the taluks of Bangalore, Dodballapur and Magadi.

Of these, Varthur and Belandur tank panchayet in Bangalore Taluk was sanctioned in 1914. It is reported that this panchayet worked properly for a couple of years but for the last three years meetings were held irregularly. This is chiefly due to the non-appearance of the members. These tanks are situated in two different villages, the members and the chairmen also reside in different villages and the lands under these two tanks belong to 18 differen villages. Separate reference will be made for the constitution of two separate panchayets in respect of these two tanks.

A panchayet was sanctioned for 'Madhure Amanikere' in Dodballapur Taluk on the 31st October 1914. Six meetings were held till the 21st November 1916. As there was no water in the tank for the next two years no meeting was held during that period. The tank was full last year and it is reported that arrangements are made to hold meetings regularly hereafter. A sum of Rs 45-12-(was realised from the sales of Hulbanni and dead trees on the bund. This amount was credited to the Treasury. Lantana clearing and earthwork here and there to the bund were attended to by the panchayet.

Kompusagara tank panchayet in Magadi taluk was sanctioned on the 26th March 1914 but the Committee was formed only in the year 1916. Five meetings were held during the year 1917 and one in 1919. A sum of Rs 80/- was realised by the sale of the right of fishing in 16-17. Out of this, a sum of Rs 1-4-0 was spent for stationery and the balance kept in deposit. For want of printed registers and forms, only two registers (viz, meetings proceedings register and cash register) are maintained.

to secure the attendance of the members to the meeting owing to the fact that not only factious spirit prevails among the villagers but also want of competent men to manage the panchayet.

With a view to ensure proper work it seems desirable that the tank panchayet should be managed and guided for some time at least by a competent official of the taluk of some status as Chairman. Sheikdars of the 1st or 2nd grade may be tried for some time.

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Letter No. H.C.151/19-20 dated 17th September 1920 from the Deputy Commissioner, Bangalore District, to the Revenue Commissioner in Mysore, Bangalore.

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With reference to your No.C.4015/19-20 dated 11th instant, I have the honor to invite your kind attention to the last para of my report No.H.C.136/18-19 dated 8th June 1920 and to state that no amendment to the tank panchayet regulation seems necessary; but to make the scheme more popular and useful it would be desirable that it should be managed and guided for some time at least by a competent official of the Taluk of some status such as new scheme sheikdar as chairman of the panchayet.

==========

"C O P I E S"

B. Muniswamappa

For Revenue Commissioner.

Letter No. H.C.68 Rev.18-19 dated 18th December 1919 from the Deputy Commissioner, Shimoga District, to the Revenue Commissioner in Mysore, Bangalore.

With reference to your docket No. C.563/G1. dated 3rd August 1919, I have the honor to forward herewith copies of notes furnished by the Amildars regarding the actual work that has been done in respect of the several Tank Panchayets in the District from the date of their constitution. The total number of Panchayets in operation is only 6 and the work done by them must be pronounced to be unsatisfactory. The main object with which the Panchayet Regulation was passed, was to ensure greater and more systematic attention on the part of the ryots in the maintenance of the Tanks in which they were interested. But, though some of the Panchayets have been in existence for nearly 5 years, there is no indication that any substantial work has been done in this direction. Even the prescribed number of meetings are not held. This disappointing result must, it is feared, at least partly be attributed to the lack of interest on the part of the Revenue officers in the working of the scheme. I am now impressing again on the Sub Division Officers and Amildars concerned, the need of devoting more attention to this important work.

" Copy "

For Revenue Commissioner.

M.B.R.

Letter No. R. H. C.227/19-20 dated the 12th September 1919 from the Sub Division Officer, Chintamani Sub Division, to the Deputy Commissioner, Kolar District.

With reference to your No. R. H. C. 63 dated the 23rd August 1919 calling for a report as to how the Tank Panchayets already constituted are now working, and for submission of proposals regarding the amendment, if any, to the Taluk Panchayet Regulation, I have the honour to state that in the Taluks of Srinivaspur and Sidlaghatta no Tank Panchayets have yet been constituted. In the Chintamani Taluk only one Tank viz., -- Hulukvadi Tank has been brought under the Regulation and the -- Amildar reports that owing to Seasonal Conditions no work has been done there.

2. I have carefully gone through the existing Tank Panchayet Regulation and the Rules thereunder and in my opinion no material alteration is called for. The small alteration that I would suggest is with reference to section 9 of the Regulation regarding the Chairmanship of the Panchayet. It is now laid down that Patel shall be the Chairman and no alternative is given in case the Patel is not so well qualified by reason of his literary influence etc., in the Village as the Shanbhogue who may possess all these qualifications to a high degree. It is true that the Patel is the head-man of the Village and that the Shanbhogue is an Accountant, but in a Village, it should be borne in mind that very often, the Shanbhogue is a very important person whose active whole hearted co-operation in connection with the actual working, the maintenance of the accounts etc. is -- essential for the successful working of the Panchayet. and if the Shanbhogue is made to feel his Subordinate position where the Patel is not so well qualified and does not command the influence it is not likely that the Panchayet will work well. What is important for the successful working is co-operation between the

the patel and the Chanbhogue, and the existance of a body of intelligent men free from factious spirit. I would therefore suggest the following addition and alteration to Section 9.

1. The words " as a rule ", may be inserted between the words 'shall' and 'be'.

2. At the end add " Provided that in special Cases where the Local circumstances require, the Chanbhogue if resident in the Village may also be appointed as Chairman. "

3 In my opinion, for the successful working of the -- Panchayet, much depends upon not only the nature of the particular village which has to be carefully selected, but also upon the degree of personal attention which the Amildar is able to bestow upon the subject by way of explaining the Scheme etc, to the people and seeing to its working during his Tours. It is no doubt true that last year peoples' minds were greatly exercised over abnormal seasonal conditions coupled with high prices, and what with ~~the~~ difficulties, commandeering operations and so on, no propper attention could be paid by the Amildars and it is to be hoped that the -- present year will be more favourable for the purpose.

4. The Amildar of Sidlaghatta informed me that he would take action to have a panchayet for Ammankere Tank which is near the Sidlaghatta Town, from which he could go out and inspect with facility and he has been asked to expedite the submission of the proposals. I will also, in consultation with the Amildar of Srinivaspur, select one or two tanks for the constitution of a Panchayet there. I intend taking up this question during the ensuing Jamabandy which is most convenient for properly explaining the Scheme to the people concerned.

" C o p y "

Deputy Commissioner,
Kolar District.

Letter No. R. H. C. 177/19-20 dated the 17/21st October 1919 from the Sub Division Officer, Chickballapur Sub Division, to the Deputy Commissioner, Kolar District,

Your No. R. H. C. 63 of 19-20 dated the 22nd August 1919 regarding the working of the Tank Panchayet Scheme etc., and subsequent reminders thereon.

With reference to the above I have the honour to state that inquiries and reports from the Amildars go to show that the tanks Panchayets, some of which exist in the Chickballapur Taluk and in the Gudibanda Sub -- Taluk of this Sub Division have not taken any deep hold owing to their recent origin. In course of time the Scheme is expected to become successful. No amendments to the existing rules appear to be necessary at present.

****

"C o p y."

Deputy Commissioner,
Kolar District.

S. G. P.

G. R. S. VI—G/32]

SUBJECT.

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT
( )
the *191*

Date of issue 25.11.20

Signed by Mr. C. Aravamudu Iyengar

Section
File No.
Serial No..

No. R 6396 & 25.11.20N

To

Dear Sir,

I am desired to invite your personal attention to this office no. R 12978 dated 9.4.1919 and subsequent reminders ending with no. R 4439 dated 28.1.1920 calling for a report as to the working of the Tank Panchayats already constituted in the State and also as to whether any amendments to the Tank Panchayat Regulation or Rules thereunder are necessary.

over.

so as to enable by the same
on the lines of the Madras
Irrigation Panchayat Bill
published with Madras Gr. Os.
Nos. 391 dated 18.2.1919,
and to request you to be
so good as to intimate
when the report called for
may be expected in this office,
as the matter has been
pending from a very long
time.

Yours sincerely,

To 23.11.20.

K. R. Srinivasa Iyengar Esq. M.A.

Revenue Commr. in Mysore

List of enclosures.

MYS
22.11.20

Copied by

Examined by

WD 1744—GPB—80,000—19-3-19

G. R. S. Vl—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, the 191 .

Date of issue 9-4-19

Issued by J. S. Macklorin

Section LR

File No.

Serial No.

No. B 12-178

To The Rev Cannin

Nagore

Sir,

I am directed to enquire ~~in what direction~~ how the taluk panchayats already formed constituted have succeeded most. are now working. I in what directions they

I am also to invite a ref^ce to the Madras Village Panchayat Bill published with the

P.T. over.

GKS/573

Madras
G.O. no 391 d 18.2.19

and to request you to kindly
furnish your opinion as to whether
proposals in modification
of the existing Mysore
Tank Panchayat Regn or Rules
framed thereunder are necessary on the lines of the
Madras Bill.

I have &c

[illegible]

for Secy to Govt

[illegible]

26.3.19

List of enclosures.

Copied by

Examined by

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Tank Panchayats—

The total number of Tank Panchayats
is 1594 and Panchayats were
constituted in respect of only
tanks upto end of June 1920
December 1920.

How these Panchayats are
working and what measures should
be adopted to make them popular
and ensure their better working
are to be considered, as also the
question as to how to simplify
the procedure under the
Tank Panchayat-Regulation

9.21

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

10(a)

Tank Panchayets.

The total number of restored major tanks is 1590 and Panchayets were constituted in respect of only 98 tanks up to end of June 1920. How these Panchayets are working and what measures should be adopted to make them popular and ensure their better working are to be considered, as also the question of how to simplify the procedure under the Regulation.

In his letter No. dated the Revenue Commissioner has suggested that Deputy Commissioners may notify in the Gazette the names of nominated and elected members of Tank Panchayets under Section of the Tank Panchayet Regulation. Whether there is anything in this recommendation opposed to the Tank Panchayet Regulation is for examination.

This does not require consideration by the Committee. It is a point we had settled

Tank Panchayats.

Please get this typed as usual by Miss Davey

29/9/71

The ~~chief~~ object of the Tank Panchayat Scheme was in to the ~~create~~ interest of the ryots to repair and maintain restored tanks in their villages, most of which had become deteriorated owing to the ryots' customary obligation to do the annual maintenance work hereto not having been rigidly enforced by the Revenue officers (2) to restore, repair and maintain major tanks.

The Regulation prescribes the constitution of the ~~gramapanchayats~~ Panchayat and duties and powers of the Panchayat.

2 The number of restored major tanks is 1594 and so far only 99 Panchayats have been constituted.

3 In April 1919 the Revenue Comm^r was requested to report how the Tank Panchayats already ~~constituted~~ were working and in what directions they had succeeded

not, and whether the Regulation
or the rules thereunder needed
amendment in any way, with
reference to the Madras Irrigation Panchayet
Bill. The report has not yet been
~~received~~ received.—

4 With a view to know how far
the object ~~of~~ of the Scheme
has been fulfilled and in what
respects, if any, it required modification,
it would be useful to have information
on the following points:—

(1) How the Panchayets have been working

(2) What the condition of the
tanks under their control and whether
they have been inspected by Rev: Officers
and the result noted in the Tank
Registers.

(3) What the fund under their
control amounts to and how it
has been utilized.

(4) Whether the Panchayets have
properly regulated the supply of
water for irrigation and prevented
wastage and increased wet cultivation

distribution of water.

(5). Whether they have executed the restoration of minor tanks & if so, how many and at what cost —

It is also a point for consideration whether in view of the revised Scheme for the restoration of minor tanks under which the ryots are required to contribute 1/3 of the cost, Section 16 of the Regulation ~~[illegible]~~ under which Panchayats may undertake the construction, restoration or improvement of minor tanks, requires any modification —

27/9/21

29/9

Printed under the authority of the Governor of Fort St. George in Council by the Superintendent of the Government Press, Madras.]

MADRAS ACT No. II OF 1920.

07 DEC 1920

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

Received the assent of the Governor on the 1st December 1919 and that of the Governor-General on the 24th December 1919; the assent of the Governor-General was first published in the "Fort St. George Gazette" of the 30th March 1920.]

An Act to amend the Madras Village Courts Act, 1888.

Madras Act I of 1889.

WHEREAS it is expedient to amend the Madras Village Courts Act, 1888; It is hereby enacted as follows:— Preamble.

1. This Act shall be called the Madras Village Courts (Amendment) Act, 1919. Short title.

Madras Act I of 1889.

2. Unless otherwise expressly stated, the words "section", and "sub-section" in this Act, shall mean section, and sub-section, respectively, of the Madras Village Courts Act, 1888. Interpretation clause.

3. In sub-section (1) of section 1 all the words after the words "and shall come into force at once" shall be omitted. Amendment of section 1 of the principal Act.

4. (1) In section 5 for the definitions of "village court" and "village munsif" respectively, the following shall be substituted, namely:— Amendment of section 5.

"Village court" means the court of a village munsif appointed under section 7 or a panchayat court established under section 9.

"Village munsif" means the judge of the court of a village munsif established under this Act and except in sections 7 and 16 includes the president of a panchayat court.

(2) In the same section for the definitions of "District Judge" and "District Munsif," the following shall be substituted, namely:—

"District Munsif" means the District Munsif within the local limits of whose jurisdiction the village court is situated:

[PRICE, 2 *annas* 9 *pies.*]
1,410—18-6-1920.

Provided that if the village is not situated within the local limits of the jurisdiction of any District Munsif, the Subordinate Judge, or if there be no Subordinate Judge, the District Judge, within the local limits of whose jurisdiction the village is situated, shall be deemed to be the District Munsif:

Provided further that if in any area the District Munsif does not exercise small cause jurisdiction and a separate Court of Small Causes has been established the Judge of such Court shall be deemed to be the District Munsif.

(3) At the end of the same section the following definitions shall be added, namely:—

"Prescribed" means prescribed by rule made by the Governor in Council under this Act.

"Sign" with its grammatical variations and cognate expressions shall, with reference to a person who is unable to write his name, include "mark" with its grammatical variations and cognate expressions.

"Panchayat court."

5. For the words "bench of more than one judge" and the word "bench" wherever either expression occurs in the Madras Village Courts Act, 1888, the words "panchayat court" shall be substituted. Madras Act 1 of 1889.

Amendment of section 6.

6. In section 6 the last sentence shall be omitted.

Amendment of section 7.

7. In section 7 for the words "of the district subject to such rules as the Governor in Council may from time to time prescribe" the words "in the manner prescribed" shall be substituted. In the same section before the words "village munsifs", the words "In villages where there are no panchayat courts" shall be inserted.

Amendment of section 8.

8. (1) In section 8 between the words "village munsif" and the words "for incapacity", the words "or a member of a panchayat court" shall be inserted; and for the words "village munsif" at the end of the first sentence the words "village court" shall be substituted.

(2) In the second sentence of the same section for the words "suspending or removing a village munsif" the words "of suspension or removal" shall be substituted.

Substitution of a revised section for section 9.

9. For section 9 the following section shall be substituted, namely:—

"9. (1) The Governor in Council may, by order notified in the District Gazette, constitute a panchayat

court, as hereinafter provided, for any village, group of villages or part of a village ; and thereupon no court of a village munsif appointed under section 7 shall exercise jurisdiction under this Act in any part of such area.

"(2) For every court so established the Collector shall determine the number of members, provided that such number shall not be less than five nor more than twelve ;

"(3) Subject to such rules as may be made by the Governor in Council, the members of the panchayat court shall be appointed by election.

"(4) Subject to such rules as may be made by the Governor in Council a member of a panchayat court shall hold office for a term of three years.

"(5) A panchayat court shall elect one of its members to be its president according to the rules prescribed.

In the absence of the president the members present and constituting the court shall elect from among themselves a president for the purposes of that sitting.

"(6) Three members of a panchayat court shall constitute a quorum, and the decision of the majority present shall be the decision of the court:

Provided that in the case of equality of votes the president shall have a casting vote.

"(7) The Governor in Council may, by order notified in the District Gazette, disestablish any panchayat court."

10. In section 13 for the words "rupees twenty" the words "rupees fifty" shall be substituted. Amendment of section 13.

11. In section 15 for the words "court of the village munsif" the words "village court" shall be substituted. Amendment of section 15.

12. In section 16 for the words "court of the munsif" the words "village court" shall be substituted and the section as so altered shall be numbered sub-section (1). The following shall be inserted as sub-section (2), namely :— Amendment of section 16.

"(2) When any member of a panchayat court is a party to, or personally interested in, any suit or proceeding before such court, he shall withdraw from the court during the hearing of such suit or proceeding and shall take no part in its determination."

13. In section 19 the words "under sections 13 and 15" shall be omitted. Amendment of section 19.

14. In section 20 the proviso shall be omitted. Amendment of section 20.

Insertion of a new section after section 20.

15. After section 20 the following section shall be inserted, namely:—

20-A. (1) If a suit which is triable by a village court is instituted in the court of a District Munsif, he may, unless sufficient reasons exist to the contrary, transfer it to the village court.

(2) Where a District Munsif tries a suit which is triable by a village court and is of opinion that the suit ought to have been instituted in the village court, no costs shall be allowed to a successful plaintiff and a successful defendant shall be allowed his costs as between pleader and client.

Amendment of section 21.

16. Section 21 shall be numbered as sub-section (1) of section 21 and the following shall be added as sub-section (2), namely:—

"(2) Pending disposal of any application under sub-section (1) the District Munsif may order a stay of proceedings in the village court."

Amendment of section 24.

17. In section 24 for the words "Any party to any suit before a village court may appoint by vakalatnama any person to appear and plead for him, but" the following words shall be substituted, namely:—

"No legal practitioner, whether qualified or unqualified, shall be allowed to appear before a village court on behalf of any party to a suit or proceeding but any party may authorize a servant, gumasta, partner, relation or friend to appear and plead for him: Provided that".

Amendment of section 25.

18. In section 25 after the words "served on the defendant personally" the words "and his signature taken thereon" shall be inserted.

Amendment of section 26.

19. In section 26 after the words "evading service of the summons" the words "or has refused to affix his signature to the summons" shall be inserted.

Amendment of section 29.

20. In section 29 all the words that follow the words "on whose behalf it is issued" shall be omitted.

Amendment of section 32.

21. In section 32 before the words "bring a fresh suit" the words "subject to the law of limitation" shall be inserted.

Amendment of section 46.

22. In section 46 for the words "Each party shall be entitled to receive a copy of the decree upon application" the words "A copy of the decree shall then be delivered to each party in the prescribed manner" shall be substituted.

Act V of 1908.

23. In section 52 for the proviso the following shall be substituted, namely:— Amendment of section 52.

"Provided that no property shall be liable to such attachment which is exempt from attachment under section 60 of the Code of Civil Procedure, 1908."

24. In section 73 the words "or contrary to law" in the third item of the first sentence of the section shall be omitted. Amendment of section 73.

25. Nothing herein contained shall apply to suits pending at the commencement of this Act in the courts of village munsifs appointed under section 7. Suits pending at commencement of this Act.

Madras Act I of 1889.

26. The following chapters shall be added to the Madras Village Courts Act, 1888, namely:— Addition of two chapters to the principal Act.

"CHAPTER VIII.

"*Criminal jurisdiction.*

"76. (1) The Governor in Council may, by order notified in the District Gazette, empower a panchayat court to take cognizance of and try all or any of the following offences when committed within the local limits of its jurisdiction:—

Act XLV of 1860.

"(*a*) Offences punishable under sections 160, 277, 283, 290, 323, 334, 352, 358, 504 and 510 of the Indian Penal Code.

Act XLV of 1860.

"(*b*) Offences punishable under section 379 of the Indian Penal Code in respect of property not exceeding ten rupees in value, when the offender has not been previously convicted of theft.

Act XLV of 1860.

"(*c*) Offences punishable under section 426 of the Indian Penal Code when the loss or damage caused thereby does not exceed ten rupees.

Madras Act III of 1889.

"(*d*) Offences punishable under section 3, clauses (9), (11) and (12), of the Towns Nuisances Act, 1889.

Act XLV of 1860.

"(*e*) Any other specified offence under the Indian Penal Code or any special or local law which is punishable with fine only or with imprisonment for a term not exceeding six months only or with both.

"Provided that in respect of offences mentioned in clauses (*b*) and (*c*) the Governor in Council may extend the jurisdiction of a panchayat court to cases where the value of the property stolen or the loss or damage caused does not exceed twenty rupees.

"Explanation.—The offences mentioned in this section include abetments of such offences.

"(2) If a panchayat court finds an accused person guilty of any of the above offences, it may impose on him a fine not exceeding Rs. 15 :

Provided that in case of conviction of an offence under clauses (*b*) and (*c*) of sub-section (1) the fine may extend to twice the value of the property stolen or the amount of the damage caused.

"(3) The panchayat court may allow a reasonable time for the payment of the fine, or may order that the fine shall be paid by instalments ; but if the fine is not paid as directed, the court shall recover it in the same manner as if it were due under a decree under this Act. If in any case it appears to the court that the fine imposed cannot be recovered as aforesaid, it shall submit the case to the sub-divisional magistrate, who may award such term of imprisonment as is authorized by law in case of such default ; provided that the term so awarded shall in no case exceed one week.

"(4) Subject to such rules as the Governor in Council may make in this behalf, the procedure to be adopted by panchayat courts in criminal trials shall be as follows :—

"The court need not record the evidence of the witnesses or frame a formal charge but it shall enter in the prescribed form the following particulars :—

"(*a*) The serial number.

"(*b*) The date of the commission of the offence.

"(*c*) The date of the report or complaint.

"(*d*) The names, parentage and residences of the complainant, the accused and the witnesses examined.

"(*e*) The offence complained of and the offence (if any) proved, and in cases coming under clauses (*b*) and (*c*) of sub-section (1) the value of the property stolen or the amount of the loss or damage caused.

"(*f*) The plea of the accused and his statement, if any.

"(*g*) The finding and, in the case of a conviction, a brief statement of the reasons therefor.

"(*h*) The amount of fine imposed and

"(*i*) The date on which the proceedings terminated.

"(5) Except in accordance with rules framed by the Governor in Council no legal practitioner, whether qualified, or unqualified, shall be allowed to appear either for the complainant or for the accused.

"(6) If at any stage of the proceedings it appears to the court that the case is one which ought to be tried by a magistrate or if at the close of the trial the court is of opinion that the accused is guilty and that he ought to receive a punishment different in kind from, or more severe than, that which it is empowered to inflict, it shall submit the case to the Subdivisional Magistrate, who may transfer the case to his own court or to the court of a magistrate subordinate to him.

"(7) The District or Subdivisional Magistrate may, whenever he considers it necessary in the interests of justice, transfer any case pending before a panchayat court to his own court or to the court of any magistrate subordinate to himself or to any other panchayat court within his jurisdiction.

"(8) No appeal shall lie against any sentence or order passed by a panchayat court under this section, but the District Magistrate or Subdivisional Magistrate may set aside any conviction on the ground of corruption, gross partiality or misconduct on the part of the court, or on the ground that there has been a gross miscarriage of justice.

Act V of 1898. "(9) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, a magistrate taking cognizance upon a complaint or police report of an offence cognizable by a panchayat court may, unless sufficient reasons exist to the contrary, transfer the case to the panchayat court having jurisdiction.

Act V of 1898. "77. (1) The provisions of section 403 of the Code of Criminal Procedure, 1898, shall apply to a village court.

"(2) Save as provided in sub-section (1) nothing contained in the said Code shall apply to a village court."

"CHAPTER IX.

"*Power to make rules.*

"78. (1) The Governor in Council may make rules to carry out all or any of the purposes of the Act.

"(2) In particular and without prejudice to the generality of the foregoing power such rules may—

"(*a*) regulate the appointments of village munsifs under section 7,

"(*b*) regulate the appointments or elections of presidents and other members of the panchayat courts and prescribe their qualifications and disqualifications.

"(*c*) regulate the meetings and proceedings of panchayat courts and the attendance of members thereof,

"(*d*) prescribe the manner in which panchayat courts may take cognizance of offences and the procedure to be followed by them in the trial of offences,

"(*e*) provide for the presentation, withdrawal and dismissal of complaints and the compounding of offences and prescribe the persons who may conduct a prosecution or represent the accused,

"(*f*) provide for the summoning and attendance of the accused and for the summoning and examination of witnesses in criminal cases,

"(*g*) prescribe as to criminal cases the forms of all registers, returns and processes, the manner in which such registers shall be maintained, the dates on which such returns shall be made and the officers to whom they shall be sent,

"(*h*) provide for the service of process, the execution of decrees and the recovery of fines,

"(*i*) provide for the receipt and custody of all documents and records by or on behalf of panchayat courts and for the grant of copies of decrees and other records, and

"(*j*) provide for the levy of fees for the service of process, the execution of decrees and the grant of copies.

"(3) All rules made under this section shall be published in the *Fort St. George Gazette* and upon such publication shall have effect as if enacted in this Act."

Repeal.

27. The enactments specified in the schedule hereto annexed are hereby repealed to the extent mentioned therein.

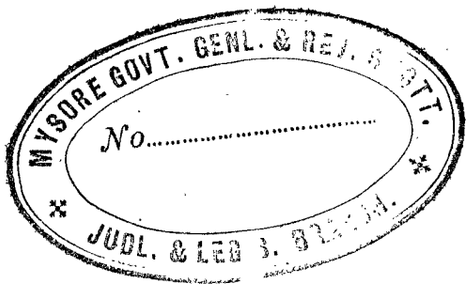
SCHEDULE

Number and year.	Subject.	Extent of repeal.
Madras Regulation V of 1816.	The Madras Village Panchayats Regulation, 1816.	The whole regulation.
Madras Regulation XI of 1816.	The Madras Village Police Regulation, 1816.	The last 45 words of clause first of section 10, i.e., the words beginning with "or if" and ending with the words "six hours".

MADRAS: PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

CEYLON.

Reprinted from Volume II. of "A REVISED EDITION OF THE LEGISLATIVE ENACTMENTS OF CEYLON," the paging of which has been retained.



Ordinance No. 24 of 1889.

An Ordinance relating to Village Communities.

(*As amended by No.* 10 *of* 1891, *No.* 14 *of* 1893, *No.* 9 *of* 1894, *No.* 9 *of* 1896, *No.* 15 *of* 1896, *No.* 10 *of* 1898, *No.* 13 *of* 1905, *and No.* 29 *of* 1906.)

(*See No.* 14 *of* 1902.)

Preamble.

WHEREAS it is expedient to consolidate and amend the laws relating to Village Communities in this Island: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

I.—*Preliminary.*

Short title. Commencement.

1 This Ordinance may be cited for all purposes as "The Village Communities' Ordinance, 1889"; and it shall come into operation at such time as the Governor shall, by Proclamation published in the *Government Gazette*, appoint.*

* Proclaimed the 30th day of August, 1890.

Price 15 *cents.*]

Repeal.

2 There shall be repealed, as from the commencement of this Ordinance, the Ordinances specified in the schedule to this Ordinance, to the extent in the third column of that schedule mentioned.

Proviso.

Provided that this repeal shall not affect—

(*a*) Anything duly done or suffered under any enactment hereby repealed; or

(*b*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or

(*c*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(*d*) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Ordinance had not passed.

Where any unrepealed Ordinance incorporates or refers to any provisions of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provisions of this Ordinance.

Interpretation clause.

3 In this Ordinance, unless the context otherwise requires—

"Government Agent" shall include the Assistant Government Agent of a district, but not the Office Assistant to the Government Agent for the province;

"Fiscal" shall include Deputy Fiscals within the province of the Fiscal;

"Natives" shall mean those resident in the country other than persons commonly known as Europeans or persons commonly known as Burghers;

"Chief headman" shall mean the ratemahatmaya, mudaliyar, adikar, maniyakar, or vanniya of a division; and

"Chief headman's division" shall mean the extent of country under the supervision of such "chief headman."

II.—*Divisions and Subdivisions.*

Governor may bring any division or part thereof within this Ordinance

4 It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be by him for that purpose issued, to declare from time to time, as he may think desirable, that any chief headman's division or part thereof shall be brought, from a time to be named therein, within the operation of this Ordinance. On such Proclamation being issued, the said division or part thereof shall become liable to the provisions of this Ordinance; and the inhabitants thereof shall be entitled to exercise the powers and privileges hereby conferred upon them.

4 A *It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation from time to time to be issued by him for that purpose, to exempt from the operation of this Ordinance any chief headman's division or part thereof which shall have been brought within the operation of this Ordinance under section* 4. *On such Proclamation being issued, the said division or part thereof shall cease to be liable to the provisions of this Ordinance.*

Governor may exempt any division or part thereof from the operation of this Ordinance.
[§ 1, 14 *of* 1893.]

5 Every chief headman's division or part thereof so brought within the operation of this Ordinance shall be subdivided into villages or convenient groups of villages in such manner as the Governor, with the advice of the Executive Council, shall appoint. It shall be lawful for the Governor, with the like advice, from time to time to alter and amend such subdivision.

Subdivision of chief headman's division.

III.—*Rules.*

6 It shall be lawful for the inhabitants of any subdivision so brought within the operation of this Ordinance to make, subject to the provisions hereinafter contained, such rules as they may deem expedient for any of the following purposes :

Inhabitants may make rules.

(1) For the construction, maintenance, regulation, and protection of village paths, bridges, edandas, ambalams or madams, spouts, wells, watering and bathing-places, fords and ferries, markets, places for the slaughter of cattle, sheep, or swine, grounds for the burial or burning of the dead, and for the conservancy of springs and water-courses.

(2) For constructing and repairing schoolrooms for the education of boys and girls, and for securing their attendance at school.

(3) For regulating fisheries according to local customs.

(4) For taking care of waste and other lands set apart for the purpose of the pasturage of cattle or for any other common purpose.

(5) For encouraging the cultivation of industrial products.

(6) For breeding *.....* cattle, for regulating *.....* slaughtering of cattle, and for preventing cattle trespass, cattle disease *.....*

[*....**Repealed by* § 3, 10 *of* 1898.]

(7) For the putting up and preservation of land boundaries and fences.

(8) For the prevention and abatement of nuisances.

(9) For the prevention of the use of abusive language.

(10) For preventing accidents connected with toddy-drawing, and for the periodical inspection of the ropes and other appliances used for that purpose.

(11) For preventing accidents by the setting of spring guns and traps.

(12) For the prevention of gambling and cock-fighting, and for the prevention of cart racing on public thoroughfares.

[*See* § 22, 17 *of* 1889.]

(13) For the construction, repair, and protection of Village Tribunal court-houses.

(14) For the determining, imposing, and enforcement of penalties incurred by officers appointed under section 11 of this Ordinance for neglect or breach of duty.

(15) For the collection of tolls imposed and levied under this Ordinance.

(16) For the construction and maintenance of village roads not exceeding twelve feet in width ; provided that no inhabitant shall be required to contribute in labour or money towards any road other than a natural road, nor to give more than ten full days' labour in any year for such village roads.

(17) For the repair, protection, and maintenance of village canals.

[§ 1, 9 *of* 1894.] (17*a*) *For imposing and enforcing an annual tax payable in labour in respect of all or any of the purposes mentioned in sub-sections* (1), (2), (13), (16), *and* (17), *upon the inhabitants of the subdivision, provided that no inhabitant shall be liable to perform more than ten days' labour in any one year.*

(17*b*) *For determining the number of days' labour to be imposed in respect of any one or more of such purposes.*

(17*c*) *For calling out and compelling the performance of such labour.*

(18) For the prevention of loitering in thoroughfares or public places.

(19) Repealed by No. 10 of 1891.

(20) For making it an offence for any holder of a license under "The Licensing Ordinance, 1873,"* or any keeper of a tavern, to sell, or allow any person to sell, to females any description of spirits, including intoxicating liquor as well as the produce of the coconut or other description of palm or sugar-cane.

(21) For the enforcement of ancient customs as regards cultivation or the repair, protection, and maintenance of village tanks.

(22) For any other purpose connected with, or relating to, purely village affairs.

Rules, if approved by the Governor in Executive Council, shall be valid.

7 The rules so prepared by the inhabitants of any subdivision shall be forthwith transmitted through the Government Agent of the province to the Governor for the approval or disallowance thereof of the Governor, with the advice of the Executive Council, and such of the rules as shall be approved shall be published in the *Government Gazette*, and shall thereupon become as legal, valid, and effectual as if the same had been inserted herein. The Government Agent shall also take steps to cause the rules to be proclaimed in the village or group of villages subject to their operation, in

* Repealed by No. 12 of 1891.

such manner as shall secure the greatest publicity thereto. Such rules, when so approved as aforesaid and published in the *Government Gazette*, shall be binding upon, and be observed by, all parties subject to their operation, and all courts, Judges, and Magistrates shall take judicial notice thereof.

Rules to be binding upon all, and judicial notice to be taken thereof.

8 It shall be lawful for the inhabitants of such subdivision, subject to the provisions herein contained, from time to time to add to, amend, or repeal the existing rules, or any of them, or any part of any of them, provided that the said additions, amendments, or repealing provisions, as the case may be, shall be in all respects dealt with and decided upon in the same manner as is herein directed and provided with respect to the original rules.

Rules may be added to, amended, or repealed.

9 The Governor, with the advice of the Executive Council, may at any time, and from time to time, cancel or annul any rule previously approved of and published as provided in section 7 ; and such cancellation or annulment shall in like manner be published in the *Government Gazette*.

Power of Governor in Executive Council to cancel or vary rule previously approved.

10 Whenever it shall be necessary to appoint an officer to carry into effect or supervise the working of any rule lawfully made or to be made by the inhabitants of any subdivision under this Ordinance, it shall be lawful for the said inhabitants to create an office for such purpose within their own subdivision, by a rule to be made subject to the approval of the Governor, with the advice of the Executive Council.

Village Committee may create offices.

11 As soon as any such office has been created, it shall be lawful for the Government Agent of the province within which such subdivision is situated, to appoint an officer thereto, and such appointment from time to time to revoke or annul, and in lieu thereof to make a fresh appointment to such office, as to the Government Agent aforesaid shall seem fit or necessary.

Officer to be appointed by Government Agent of province.

12 Every such officer shall, so long as he continues in office, be entitled to be paid and to receive such fees in respect of his office as may be determined by a rule to be made by such inhabitants, subject to the approval of the Governor, with the advice of the Executive Council.

Such officer to be entitled to fees ; such fees to be determined by Governor in Executive Council.

13 Every such officer shall be liable to pay the penalties prescribed by any rules which may be passed in accordance with the powers conferred under section 6 of this Ordinance for breach of or neglect of duty in respect of his office.

Such officer to be liable to penalties.

IV.—*Meetings and Village Committees.*

14 For the purpose of making rules as above prescribed, or whenever such meeting shall be necessary, the Government Agent may, whenever to him it shall appear advisable, or shall, upon a requisition signed by not less than ten inhabitants of any village or group forming a subdivision, call a

Public meeting of inhabitants to be called for the purpose of making rules.

Proviso.

public meeting of the inhabitants of such subdivision. Provided that in case the extent of any group of villages should render more meetings than one necessary, the Government Agent may hold meetings at such places as he may deem desirable.

Public notice of such meeting.

The Government Agent shall, one month at least before the day of holding any such meeting or meetings, cause notices to be published throughout such subdivision, in such manner as shall appear to him best adapted for giving the greatest publicity thereto, of the day and place appointed for holding such meeting or meetings, and of the object for which the same shall be held; and shall, in such notices, call upon the inhabitants to attend in person at such meeting or meetings for the purpose aforesaid.

Power to adjourn.

The Government Agent or person presiding shall have power to adjourn any meeting once or oftener, if need be.

Proceedings at such meeting. Qualification of voter.

15 Every meeting so convened shall be held at the time and place appointed in the presence of the Government Agent or any other person authorized in writing by him, and at every such meeting every male inhabitant of the village, or group of villages as aforesaid, above the age of eighteen years, and who shall not have been convicted within five years before the date of the meeting, of theft, fraud, forgery, perjury, or of any infamous crime whatever, who shall be present thereat, shall be entitled to vote. It shall be the duty of the Government Agent, or of the person presiding, to explain to the persons assembled at the meeting the provisions of this Ordinance, and the purpose for which the meeting was convened. And such Government Agent or person presiding shall enter or cause to be entered in the minutes of such meeting the questions or resolutions proposed thereat, and the number of votes given for and against the same, and shall sign the said minutes, and publicly declare the result of the votes given thereat; and the said minutes shall be deposited and preserved in the provincial or district Kachcheri as may be most convenient *.....*

[*....**Repealed by* § 12, 13 *of* 1905.]

Inhabitants may elect Village Committee.

16 It shall be lawful for the inhabitants of any subdivision, at the first or any subsequent meeting, to elect a committee of not less than six men, and, if they see fit to do so, to delegate to such committee the power of making rules conferred on such inhabitants by this Ordinance.

Duty of such committee.

It shall be the duty of such committee to make rules (if the power to make rules be delegated to them as aforesaid), and the same from time to time to amend, alter, and repeal, to enforce the observance of those rules, and otherwise to exercise such powers as may be conferred on them by such rules.

Proviso.

Provided that rules made by such committee shall be subject to all the provisions of this Ordinance which apply to rules made under section 6.

Qualification of committeemen.

17 No person shall be qualified to be elected as a member of committee who shall not be upwards of twenty-five years of age, or who shall not be possessed of real property,

in his own right or in that of his wife, worth more than two hundred rupees, or who shall have been convicted of theft, fraud, forgery, perjury, or of any infamous crime.

Term of office.

18 The first committee elected under this Ordinance shall go out of office on the last day of March of the fifth year from their election, and in place of such committee so going out of office a like number of other committeemen, to be elected as hereinafter provided, shall come into office and remain in office for the next ensuing five years, and, at the expiration of such period of five years, shall in like manner go out of office and be succeeded by other committeemen for a like term of five years, and so on during the continuance of this Ordinance. Provided that any of such out-going committeemen shall be re-eligible and may be re-elected, and, in such case, continue to act and remain in office, anything herein contained to the contrary notwithstanding.

Meeting for election of committeemen.

19 On any day to be fixed by the Government Agent within three months of the day on which any such term shall expire, a meeting shall be holden for the election of committeemen for five years next succeeding, reckoned from the first day of April next following the day of such election, and such election shall proceed in such manner and be subject, so far as the same are applicable, to such conditions as are hereinbefore provided for the election of the committee.

If term of office of Village Committee expires before election of a subsequent committee, Government Agent may nevertheless fix a day for such election.

20 Should the term of office of any Village Committee elected in pursuance of section 16 or 19 be allowed to expire before the election of a subsequent committee, it shall nevertheless be lawful for the Government Agent to fix a day for the election of committeemen for the five years next succeeding, which five years shall be reckoned from the first day of April next preceding the day of such election.

Vacancies how to be filled up.

21 Any member of a committee who shall be absent from the village for more than three months at one time, or shall be adjudicated an insolvent, or who shall be convicted of any infamous crime, or shall become incapacitated from fulfilling the duties of his office by mental or bodily infirmity or disease, shall, *ipso facto*, vacate his office ; and in case any person elected a member of committee shall die, or become disqualified, or vacate his office in manner aforesaid, or shall resign or refuse to accept the office of a member of committee, or, in case of any casual vacancy happening in any manner whatever in any such office, the remaining members of committee shall elect a person duly qualified under section 17 to fill up the vacancy, and the person then elected shall serve until the next general election of committeemen.

Objections to voter how disposed of.

22 If at any meeting any question shall be raised as to the right of any person to vote or to be elected, the Government Agent or person presiding shall then and there make

such inquiry as he may deem requisite, and declare whether or not such person has the right of voting, or is eligible to be elected or not; and the decision so made shall be final and conclusive. And an entry shall be made in the minutes of such meeting of any such question, and of the decision thereon.

Inhabitants of any subdivision may, with approval of Governor in Executive Council, impose a tax for payment of police headmen.

23 The inhabitants of any subdivision duly made under section 5 may, at any public meeting held under section 15, impose an annual tax upon the inhabitants of such subdivision for the payment of such number of police headmen as may be considered necessary for the protection of such subdivision, and prescribe in what manner such tax shall be recovered. Provided that such tax shall be submitted for the approval of the Governor, with the advice of the Executive Council, who may, either as regards the tax or the means proposed for the recovery thereof, allow or disallow the same, or make any change or amendment with regard thereto, except any increase of the tax, as may be deemed expedient.

And may impose and levy tolls.

24 It shall be lawful for the inhabitants of any subdivision within the limits thereof to impose and levy tolls subject to the approval or disallowance thereof of the Governor, with the advice of the Executive Council (such approval to be notified in the *Government Gazette*), on all ferries constructed, regulated, or protected under this Ordinance.

Majority shall decide.

25 All questions or resolutions shall be determined by a majority of votes. In case of an equality of votes, the Chairman shall have a casting vote in addition to his original vote.

V.—*Village Tribunals.*

Establishment of Village Tribunals and appointment of Presidents at the discretion of the Governor.

26 The Governor may, at his discretion, acting with the advice of the Executive Council, establish Village Tribunals in any chief headman's division or part thereof brought under the operation of this Ordinance, and may appoint from time to time a President for such tribunals, and allow, with the like advice, reasonable remuneration to be paid to him out of the general revenue, and any person so appointed at pleasure remove and substitute another in his stead. Every such President shall, before he shall begin to execute the duties of his office, take and subscribe the oath of allegiance and judicial oath, in form set forth in the Ordinance No. 7 of 1869 or any other Ordinance to be hereafter for that purpose enacted. Such President shall have power and jurisdiction, assisted by councillors as hereinafter provided, to try cases hereinafter specified. The number of councillors to be associated with the President in the trial of cases shall be three. No person shall be qualified to be associated with the President as such councillor who shall not possess the qualifications prescribed for committeemen by section 17.

Oath.

Power of President.

Councillor absenting

26 A *Any person eligible to serve as a councillor who shall be noticed in writing by the President to attend as a councillor at the*

time and place specified in such notice, and who without lawful excuse fails to attend as required by such notice, or who having attended departs without having obtained the permission of the President, or fails to attend after an adjournment of the tribunal after being ordered to attend, shall be liable by order of the President to a fine not exceeding five rupees, and in default of payment of the fine to simple imprisonment not exceeding fourteen days.

himself without leave.

[§ 2, 9 *of* 1896.]

Power to abolish Village Tribunals or to enlarge their jurisdiction.

27 It shall be lawful for the Governor, with the advice of the Executive Council, to abolish any Village Tribunal or add to the jurisdiction of any Village Tribunal any other village or villages or group of villages in the same or any other division.

Village Tribunals to exercise jurisdiction in certain matters civil and criminal.

28 The President, assisted by councillors, as hereinbefore prescribed, shall sit in open court at such times and places within each subdivision as the Government Agent shall from time to time prescribe, to try breaches of any rules made by the inhabitants of the subdivision under the authority of section 6 (if the inhabitants shall have availed themselves of this privilege), and to exercise civil and criminal jurisdiction in the cases hereinafter described, in which both parties are natives, or in cases in which both the parties thereto, whether natives or not, shall, by consent in writing, in such form as shall be prescribed by rules to be made under section 50, expressly refer to be tried and decided by them :

Civil.

(1) All cases in which the debt, damage, or demand shall not exceed twenty rupees, and the party defendant is a resident within the subdivision, or in which the cause of action shall have arisen wholly or as to any part within such subdivision; and also all actions in which the title to, interest in, or right to the possession of any land or immovable property shall be in dispute, provided the value of such land or immovable property, or of the particular share, right, or interest in dispute in such action, shall not exceed twenty rupees, and the same or any part thereof is situate in such subdivision.

(2) All cases whatever involving debt or damage not exceeding one hundred rupees, or claim to land or immovable property in which the land or interest in dispute shall not exceed one hundred rupees in value, which the parties thereto shall, by consent in writing, in such form as shall be prescribed by rules to be made under section 50, expressly refer to such tribunal to be tried and decided by them.

Criminal.

(1) *Any of the following offences ; that is to say :*

[§ 2, 29 *of* 1906.]

(*a*) *Voluntarily causing hurt as defined by section* 312 *of the Ceylon Penal Code ;*

(*b*) *The use of criminal force as defined by section* 341 *of the Ceylon Penal Code ;*

(c) *Assault as defined by section* 342 *of the Ceylon Penal Code—*

whenever the offence is of such a nature that it may be adequately punished by no higher punishment than a fine of twenty rupees, or in default of payment by rigorous imprisonment for two weeks.

(2) Petty thefts,—that is to say, thefts where the property stolen does not exceed in value twenty rupees, or where the theft is not preceded or accompanied by violence to the person, and which may adequately be punished by no higher punishment than a fine of twenty rupees or rigorous imprisonment for two weeks.

(3) Malicious injury to property or boundaries, where the damage does not exceed twenty rupees.

(4) Cattle trespass under the Ordinance No. 9 of 1876.

Provided, however, as follows :

(1) That the above offences shall have been committed, wholly or in part, within the subdivision.

(2) That it shall be lawful for the President and councillors before whom any case, civil or criminal, shall be instituted, or by whom it shall be partially tried, to refer the parties to the Court of Requests or Police Court having jurisdiction over the subdivision, if it shall appear to them that the case is one which from its circumstances may more properly be prosecuted before the higher tribunal.

(3) That it shall be lawful for the Attorney-General or for any Crown Counsel having jurisdiction over the subdivision, in any criminal case, or for any Government Agent having jurisdiction over the subdivision, in any case, civil or criminal, to stop the further hearing of such case before a Village Tribunal, and to direct it to be tried by the Police Court or Court of Requests.

(4) That no case, civil or criminal, which is instituted for the protection of the revenue shall be brought before the Village Tribunal.

[§ 3, 9 *of* 1896.] (5) *Offences under the Ordinance No.* 20 *of* 1886, *intituled "An Ordinance to amend the Law relating to Vaccination."*

(6) *Offences under section* 1 *and breaches of by-laws made under section* 5 *of Ordinance No.* 15 *of* 1862, *intituled "An Ordinance for the better preservation of Public Health and the suppression of Nuisances."*

Breaches of irrigation rules may be tried under this Ordinance.

29 Whenever it shall be necessary in any irrigation district under "The Irrigation and Paddy Cultivation Ordinance, 1889,"* to convene a Village Council to try breaches of rules made under the said Ordinance, and a Village Tribunal shall

* Repealed by No. 16 of 1906.

have been established under the authority of this Ordinance for the subdivision in which such breach shall have been committed, the Government Agent may refer the case to be tried by such Village Tribunal instead of by the Village Council as prescribed in that enactment. And such tribunals shall have jurisdiction to try such cases and to impose on any person who may be convicted of a breach of any of the said rules a fine not exceeding thirty rupees.

The choice of councillors to be associated with the President at the trial of each case.

30 The councillors shall be selected for each case by lot, according to rules to be made for such purpose under section 50, and shall be subject to such provisions as to liability to be challenged as shall be prescribed by such rules. It will be the duty of the President and councillors, when any case shall be brought before them, to endeavour by all lawful means to bring the litigant parties to an amicable settlement, and to abate, prevent, or remove, with their consent, the real cause of quarrel between them. But if the parties will not agree to such settlement, the court shall then proceed to hear evidence and to determine the case. The councillors shall first express their opinion on the points arising for adjudication, and the President shall thereupon express his. Provided that in case of any difference of opinion between the President and the councillors, or any of them, the opinion of such President shall prevail, and shall be taken as the decision in the case ; but in every such case a record shall be made of such difference of opinion.

Proviso in case of difference of opinion between President and councillors.

Punishments which may be awarded by such tribunals.

31 The Village Tribunal shall have power to punish by fine not exceeding twenty rupees any person convicted before it of any crime or offence, or of the breach of any rule, and in case of a continued breach of any rule such tribunal shall impose a further fine not exceeding five rupees for each day such breach is continued after notice to the offender. The Village Tribunal shall also have power to sentence the offender in default of payment of any fine imposed under this Ordinance to simple or rigorous imprisonment for any period not exceeding fourteen days.

Imprisonment may be carried out in the common prisons.

Penalty for false or frivolous case.

32 If it shall appear to any Village Tribunal that any case has been falsely or maliciously or upon frivolous or vexatious grounds instituted therein, it shall be lawful for such Village Tribunal to sentence the party instituting such case to a fine not exceeding five rupees, and to award such fine or any part thereof to the aggrieved party ; and if such aggrieved party shall accept the same, he shall not be entitled to have or maintain any suit for the recovery of damages in respect of the injury sustained by him by reason of such false and malicious, or frivolous, or vexatious prosecution.

Reward to informer or person apprehending an offender.

33 It shall be lawful for any Village Tribunal before whom any offender may be convicted to order at its discretion that any part not exceeding one-half of the fine or penalty recovered from such offender be paid over to, or applied to

the use and benefit of, the person who shall first have given information against or been active in the apprehending of such offender, or shall appear otherwise deserving of reward in the matter. Provided that no such order as aforesaid shall be acted upon or given effect to unless the same has been confirmed by the Government Agent.

Jurisdiction to be exclusive.

34 The jurisdiction, civil and criminal, conferred on the tribunals hereby created shall, as respects the natives of the subdivisions in which they are established, and subject to the provisos in section 28, so long as any such subdivision remains subject to the operation of this Ordinance, be exclusive, and shall not be exercised by any other tribunal on any plea or pretext whatsoever. And, in order to prevent the jurisdiction of these tribunals being evaded, it shall be the duty of any court, civil or criminal, whenever it shall appear to them that any case brought before them is one properly cognizable by the Village Tribunal established in any place (and it shall be competent to a Commissioner of Requests or Police Magistrate to examine the parties at any stage of the case in order to ascertain this), to stop the further progress of such case, and to refer the parties to the Village Tribunals, and to condemn the parties in costs as to such court shall seem fit.

Governor in Executive Council may limit jurisdiction of Village Tribunal to certain matters.

35 It shall be lawful for the Governor, with the advice of the Executive Council, to limit the powers of any Village Tribunal established under section 26 to the exercise of civil and criminal jurisdiction, referred to in section 28, or to the exercise of either such civil or criminal jurisdiction, or to limit the jurisdiction of such tribunals to breaches of any rules made by the inhabitants of the subdivision under the authority of this Ordinance, or to the breaches of such rules together with the exercise of either such civil or criminal jurisdiction as above mentioned.

President may administer oaths.

36 It shall be lawful for any President, for the purposes of the jurisdiction and duties hereby conferred upon him, and he is hereby authorized and required, to administer oaths according to law; and if upon such oath any person making the same shall wilfully and corruptly give false evidence, every person so offending shall be subject to the pains and penalties provided by the Ceylon Penal Code for such offence.

Reference of issues by District Courts and Courts of Requests.

37 It shall be competent to any District Court or Court of Requests in which any case shall be pending from any subdivision in which a Village Tribunal shall be established, with the consent of all the parties to the suit, expressed in writing, but not otherwise, to refer to the said Village Tribunal any issue of disputed boundary or encroachment, or any case in which an inspection of the premises and examination of witnesses at the spot are likely to conduce to the ends of justice, and to require such tribunal to inquire into such issue and case, and report thereon to such District Court or Court of Requests; and such District Court or Court of

Requests shall (on receipt of such report, with the evidence upon which it is founded) proceed to determine and decide such case, with or without further evidence, as to it shall seem expedient.

Judgments and sentences of Village Tribunals how enforced.

38 Every Fiscal or Deputy Fiscal shall be bound, either by himself or by his officers, within the province or district for which he is respectively empowered to act, to execute all sentences, and to serve and execute all writs and processes in civil and criminal cases which he may be required or directed by any Village Tribunal to serve or execute according to the extent of its jurisdiction, as also any summons, warrant, or other process which may be issued by any President under chapter VI., and to make and certify the return together with the execution thereof to such tribunal or President, as the case may be, and to receive and detain in prison all such persons as shall by such tribunal or President be committed to the charge of such Fiscal or Deputy Fiscal respectively for that purpose. And the provisions of sections 5, 8, and 81 of "The Prisons Ordinance, 1877," shall extend and apply to warrants of commitment issued by Village Tribunals or Presidents under the authority of this Ordinance.

Additional Presidents.

[*....**Repealed by* § 4, 13 *of* 1905.]

39 It shall be lawful for the Governor, as occasion may require, *.....* to appoint an additional President for any Village Tribunal or Tribunals, to allow him a reasonable remuneration, and to remove him and appoint another in his stead. Every such additional President shall sit apart and shall exercise all the powers and jurisdictions vested under and by virtue of this Ordinance in a President appointed under section 26.

VI.—*Special Powers of Presidents.*

40–45 Repealed by No. 15 of 1896.

VII.—*Village Committees.*

Village Committee may try breaches of rules when no Village Tribunal is established in the subdivision.

46 Whenever any rules shall have been duly prepared by the inhabitants or Village Committee of any subdivision in virtue of the powers conferred upon them, and it shall not seem advisable to establish a Village Tribunal in the subdivision in which such rules may have been made, it shall be lawful for the Village Committee for the time being to try breaches of any rules so made and duly approved by the Governor, with the advice of the Executive Council, and to impose such penalties as a Village Tribunal is empowered by section 31 to inflict for the breach of such rules.

Chief headman to be Chairman of Village Committees.

47 The chief headman shall be *ex-officio* Chairman of every Village Committee in his division; provided that if he shall be absent at any meeting of such committee, the members of the committee who shall be present, not being less than four, may select and appoint a Chairman for such meeting.

Majority or Chairman to decide.

48 The question as to whether a person charged with the breach of any such rule has or has not committed a breach thereof shall be determined by the majority of the Village Committee, and in case the members of the committee be equally divided the Chairman shall decide.

Village Committees to have exclusive jurisdiction in matters connected with breach of rules and may punish for breach thereof.

49 The Village Committee shall have the same exclusive jurisdiction with regard to all matters connected with the breach of any such rules as have the President and councillors of a Village Tribunal under section 34, and if a fine imposed for the breach of any such rule by the Village Committee be not paid forthwith the Village Committee may sentence the offender to simple or rigorous imprisonment for any period not exceeding fourteen days. All warrants of commitment issued by Village Committees under the authority of this Ordinance shall be carried out in the same manner as provided in section 38 in respect of warrants issued by Village Tribunals.

Village Committees may try cases under Ordinance No. 9 of 1876 *and impose full amount of damages and penalty.*

[§ 4, 9 *of* 1896.]

49 A *It shall be competent for a Village Committee to take cognizance under the provisions of "The Cattle Trespass Ordinance,* 1876," *of any case of trespass by animals, and to award and impose the full amount of the damages, charges, and penalties payable under sections* 7, 8, *and* 9 *thereof or any of them, notwithstanding that such amount is otherwise beyond the jurisdiction of such Village Committee to award or impose.*

VIII.—*Rules of Procedure and Appeals.*

Rules of procedure for the Village Tribunals and Committees.

50 It shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make rules (subject to the provisions of this Ordinance, and not inconsistent therewith) to be observed by the Village Tribunals and Village Committees hereby created, touching and concerning all or any of the following matters :

(1) The form and manner of proceeding to be observed in cases before them ;

(2) The process to be issued by them and the mode of enforcing the same ;

(3) The execution of judgments, the seizure and sale of movable and immovable property, and the disposal of claims in execution ;

(4) The form and mode of applying for relief under section 52 ;

(5) The summoning and empanelling of councillors and committeemen, and regulations respecting them ;

(6) The form and mode of giving jurisdiction under section 28 in cases not ordinarily triable by Village Tribunals ;

and generally to make all such rules as may be necessary to give full and complete effect to the provisions of this Ordinance ; and such rules from time to time with the like

advice to repeal, alter, or amend, as to him shall seem necessary. Such rules shall be published in the English and native languages in the *Government Gazette*, and shall thereupon become as legal, valid, and effectual, and shall be binding upon and be observed by all, and be taken judicial notice of, as if the same had been inserted herein. Subject to these rules the proceedings of such tribunals and committees shall be conducted in the native language, and shall be summary and free from the formalities of judicial proceedings; and it shall be the duty of such tribunals and committees to do substantial justice in all questions coming before them without regard to matters of form; and no advocate, proctor, agent, or other person (excepting husbands for their wives, guardians and curators for minors and wards, and agents doing business in the subdivision for absent principals) shall be permitted to appear on behalf of any party in any case before such tribunals or committees.

Proceedings summary.

50 A (1) *Any summons or warrant issued by any President under the provisions of this Ordinance may be directed for service to any person or persons named therein, and such person or persons or any police officer may execute the same at any place in Ceylon.*

Process may be directed for service to any person. [§ 5, 9 *of* 1896.]

(2) *When a warrant is to be executed outside the local limits of the jurisdiction of the Village Tribunal issuing the same, such tribunal may, instead of directing such warrant to any person, forward the same by post or otherwise to any Village Tribunal or Police Court within the local limits of the jurisdiction of which it is to be executed.*

Warrant how executed outside jurisdiction.

(3) *The President of the Village Tribunal or the Magistrate of the Police Court to which the warrant is so forwarded shall endorse his name thereon, and, if practicable, cause it to be executed within the local limits of his jurisdiction.*

Endorsement of warrant.

(4) *When a warrant is executed outside the local limits of the jurisdiction of the Village Tribunal by which it was issued, the person arrested shall be taken before the Village Tribunal or the Police Court within the local limits of the jurisdiction of which the arrest was made, and the President of such tribunal or the Magistrate of such Police Court shall, if the person arrested appear to be the person intended by the tribunal which issued the warrant, direct his removal in custody to such last-mentioned tribunal, or if the offence be bailable, and the person arrested be ready and willing to give bail to the satisfaction of the President or Magistrate before whom he shall have been brought, such last-mentioned President or Magistrate shall take bail and forward the bond to the Village Tribunal which issued the warrant.*

Procedure on arrest.

51 If in the course of any trial before the Village Tribunal it shall appear that the case under trial is, from its nature or magnitude, beyond the jurisdiction of such tribunal, the President shall forthwith stop the trial, and order that the case be transferred to the proper court having jurisdiction to try the same.

Where charge is beyond the jurisdiction of the Village Tribunal the President should refer it to the competent court.

President of Village Tribunal or Chairman of Village Committee to report all cases tried before them, and to forward proceedings to Government Agent, and Government Agent may take action in any case, or Governor in Executive Council may interfere on due application being made.

52 It shall be the duty of the President of any Village Tribunal or of the Chairman of any Village Committee to report weekly all cases tried before the Village Tribunal or the Village Committee, as the case may be, to the Kachcheri of the subdivision to which such Village Tribunal or Village Committee belongs, and to forward the journals of proceedings taken by such President or Chairman to the Government Agent to be filed of record in his Kachcheri. The Government Agent shall be empowered to sit with the President and councillors or with the Chairman and Village Committee and observe their proceedings, and generally from time to time to report on such proceedings to the Governor. And it shall be lawful for the Government Agent to take action in any case in which either party thereto may apply to him for relief, and to direct further inquiry thereof, or to order a new trial, or that further evidence be taken, or to alter, amend, modify, or reverse the decision therein; and it shall be lawful for the Government Agent at any time of his own motion to call for and examine the record of any case whether already tried by or pending trial before any Village Tribunal or Village Committee, for the purpose of satisfying himself as to the propriety of any decision, order, or sentence passed therein, or as to the propriety of the proceedings of such tribunal or committee, and upon consideration of any case so brought before him to pass any decision, order, or sentence which he might have passed had the case come before him in due course of appeal. Nothing in this section shall be deemed to authorize the Government Agent to increase any sentence passed or to interfere with any acquittal by any such tribunal or committee.

Proviso.

Provided that nothing herein contained shall be deemed to affect the right of any person feeling aggrieved by the decision of a Village Tribunal or Village Committee, or the decision come to by the Government Agent, to apply to the Governor by petition after application for relief shall have been in the first instance made by either party to the Government Agent; and it shall be lawful for the Governor, with the advice of the Executive Council, to direct further inquiry, or to order a new trial, or that further evidence be taken, or to alter or amend, modify, or reverse the decision of the Village Tribunal or Village Committee, or that of the Government Agent.

Proviso.

Provided also that the powers conferred by this section on the Government Agent to take action in any case in which parties may apply to him for relief, shall not be exercised unless application for that purpose shall be made to him by a written petition within fourteen days, exclusive of Sundays and public holidays, from the date on which the decision complained of shall have been given; and no application to the Governor under the said section shall be entertained unless such application shall be made by a like petition within fourteen days, exclusive of Sundays and public holidays, from the date on which the decision of the Government Agent shall have been communicated to the person who shall have applied to such Government Agent for relief.

IX.—*Miscellaneous.*

Saving clause.

53 Nothing in this Ordinance contained shall prejudicially affect—

(*a*) Any chief headman's division or part thereof heretofore brought within the operation of "The Village Communities' Ordinance, 1871"*; or

(*b*) Any subdivision of such division or part thereof into villages or convenient groups of villages heretofore effected; or

(*c*) Any rules heretofore framed by the inhabitants or Village Committee of any such subdivision; or

(*d*) Any tax or toll heretofore lawfully imposed; or

(*e*) Any Village Tribunal heretofore established, or the appointment of any President thereof, or the powers and jurisdiction vested in such tribunal or President; or

(*f*) Any Village Committee heretofore elected, or *ex-officio* Chairman thereof, or the powers and jurisdiction vested in such committee or Chairman; or

(*g*) Any rules of procedure heretofore framed by the Governor, with the advice of the Executive Council, to be observed by Village Tribunals and Village Committees; or

(*h*) The officers heretofore appointed to supervise the working of any rules lawfully made by the inhabitants or Village Committee of any subdivision.

But, subject to the operation of the repeal of enactments by, and to the other express provisions of, this Ordinance, all such divisions, subdivisions, rules, taxes, tolls, Village Tribunals, Village Committees, and the respective powers and jurisdiction of such tribunals and committees and of the Presidents and Chairmen thereof, and all appointments so brought, effected, framed, imposed, established, vested, and made as aforesaid, and all other things done or pending, or in the course of being done under "The Village Communities' Ordinance, 1871,"* or any other enactments repealed by this Ordinance before or at the commencement of this Ordinance, shall, for the purposes of this Ordinance, be of the like effect as if they had been so brought, effected, imposed, established, vested, made, and done under this Ordinance.

Governor may dismiss the President.

54 It shall be lawful for the Governor, with the advice of the Executive Council, to dismiss any President or Chairman who shall appear to him to be unworthy of his post, and such President or Chairman so dismissed shall be disqualified to hold any office or post in the public service, except he be expressly rehabilitated by the Governor, with the advice aforesaid.

Governor may disfranchise any division.

55 It shall be lawful for the Governor, with the advice of the Executive Council, to withdraw, for any stated time, from any village the right to enjoy the benefits of this Ordinance, if it shall appear to the Governor, with the advice

* Repealed by this Ordinance.

aforesaid, that the inhabitants of such village have abused their powers, or are unworthy or incapable of exercising the same justly.

Village Tribunal may direct appropriation of penalties.

56 It shall be competent for the Village Tribunal or Village Committee to direct such portion of any fine as it shall deem fit to be paid to the person injured or aggrieved by the act or omission in respect of which such penalty has been imposed (on condition that such person, if he shall accept the same, shall not have or maintain any suit for the recovery of damages for the loss or injury sustained by him by reason of such act or omission), and such other portion thereof as it shall deem fit to the persons, if any, employed to do the work which ought to have been done, or to repair the mischief done by the defendant. All fines paid to, or recovered by, the Village Tribunal or Village Committee shall be deposited with the Government Agent, to be by him appropriated in the manner prescribed by such tribunal or committee ; the balance, if any, shall be applied to the payment of the necessary expenses of carrying this Ordinance into execution, and for such village purposes as the inhabitants of the division or the committee (where the same shall be established) shall at any meeting to be convened for that purpose, with the concurrence of the Government Agent, determine.

Fines to be paid to Government Agent, to be applied by him as directed.

Any balance to be appropriated by the inhabitants.

Headmen and police officers to assist in carrying out this Ordinance.

57 It shall be the duty of all headmen, police and peace officers, and of all members of the police force, to aid and assist the inhabitants, committees, and tribunals in the exercise of the powers and jurisdictions and the performance of the duties imposed upon them by this Ordinance. Any headman or officer who shall fail to do so shall be guilty of an offence, and be liable on conviction to a fine not exceeding fifty rupees.

SCHEDULE.

Number and Year.	Title.	Extent of Repeal.
26 of 1871	"The Village Communities' Ordinance, 1871"	The whole Ordinance.
10 of 1872	An Ordinance to empower Police Courts to try breaches of rules made by Village Communities	do.
12 of 1880	"The Village Communities' Ordinance, 1871, Amendment Ordinance, 1880"	do.
8 of 1882	"The Village Communities' Ordinance, 1871, Amendment Ordinance, 1882"	do.
34 of 1884	"The Village Communities' Ordinances, Amendment Ordinance, 1884" ..	do.
15 of 1885	An Ordinance to amend the Ordinance No. 34 of 1884, relating to Village Communities	do.
8 of 1887	An Ordinance to remove doubts as to the power of Village Tribunals to issue parate execution in certain cases	do.

31st December, 1889.

No. 9 of 1894.

An Ordinance to amend "The Village Communities' Ordinance, 1889."

Preamble.

WHEREAS doubts have arisen as to whether the inhabitants of any subdivision which has been brought within the operation of "The Village Communities' Ordinance, 1889," hereafter referred to as "the principal Ordinance," have power to enforce a contribution in labour towards any of the purposes mentioned in section 6 of the said Ordinance, and it is expedient to remove such doubts: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

1 Embodied in section 6 of the principal Ordinance.

Commencement of Ordinance.

2 This Ordinance shall commence and come into operation on the first day of January, 1895, and its provisions shall apply to the inhabitants of any subdivision which has been or shall hereafter be brought within the operation of the principal Ordinance.

Short title.

3 This Ordinance may be cited as "The Village Communities' Ordinance, 1894," and this Ordinance and the principal Ordinance may be cited collectively as "The Village Communities' Ordinances, 1889 and 1894."

3rd December, 1894.

No. 14 of 1902.

An Ordinance to impose Stamp Duty on Civil Cases tried by Village Tribunals.

Preamble.

WHEREAS it is expedient to impose stamp duty on the institution of civil cases tried by, or referred for trial to, Village Tribunals: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Village Tribunals Stamp Ordinance, 1902," and shall come into force on such day* as the Governor may, by Proclamation in the *Government Gazette*, appoint.

Duty when imposed.

2 From and after the passing of this Ordinance, the party plaintiff in every civil case instituted before, or referred by consent of parties for trial before, a Village Tribunal, shall on every such institution or reference forthwith supply the President of such tribunal with stamps to the amounts respectively set forth in the schedule hereto.

President to affix and cancel stamp.

3 It shall be the duty of the President of such tribunal to affix the stamps so supplied to the plaint of the case so instituted or referred for trial, and to cancel such stamps by writing his initials across the stamps, together with the true date of cancellation.

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* 1st July, 1903 (Proclamation dated 6th February, 1903).

No right to sue *in formâ pauperis.*

4 No suitor in any case instituted in or referred to a Village Tribunal shall be allowed to sue *in formâ pauperis*, nor shall any civil case be tried by a Village Tribunal until the stamps prescribed by this Ordinance have been supplied.

Costs.

5 The President shall have the power of awarding to a successful plaintiff as costs to be paid by the party defendant the value of the stamps supplied by such plaintiff.

cial stamp
be
ided.

6 It shall be lawful for the Governor, with the advice of the Executive Council, by notification* to be published in the *Government Gazette*, to require that special stamps provided for the purpose shall be used in Village Tribunals, and from time to time, with the like advice, any such notification to alter or repeal, and it shall not be lawful for any person to use stamps in Village Tribunal cases other than the special stamps so required to be used.

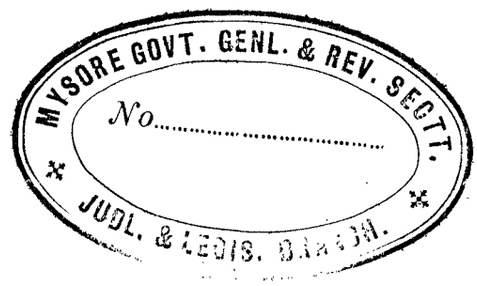
aps to be
lied by
sed dealers.

7 The stamps required by this Ordinance shall be procured from dealers duly licensed under Ordinance No. 3 of 1890 and not otherwise, and the provisions of the last-mentioned Ordinance relating to vending and dealing in stamps and the penalties for offences in connection therewith shall apply to vending and dealing in stamps for the purposes of this Ordinance.

SCHEDULE.

	Rs.	c.
Duty on institution of case of Rs. 20 and under ..	0	10
Duty on reference of case by consent above Rs. 20 and under Rs. 100	0	50

9th December, 1902.



Notification dated 6th February, 1903, requires such stamps to be dicial " stamps.

MYSORE GOVT. GENL. & REV. SECTT.
No.....
JUDL. & LEGIS. BRANCH.

CEYLON.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 3 of 1908.

An Ordinance to amend "The Village Communities' Ordinance, 1889," in certain particulars.

HENRY MCCALLUM.

Preamble.

WHEREAS it is expedient to amend in certain particulars "The Village Communities' Ordinance, 1889" (hereinafter referred to as "the principal Ordinance"): Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Village Communities' (Amendment) Ordinance, 1908," and shall be read and construed as one with the principal Ordinance.

Amendment of section 28.

2 To section 28 of the principal Ordinance the following sub-sections shall be added under the head "Criminal," and numbered (7), (8), (9), and (10) respectively:

(7) Offences under section 91, sub-section (4), of "The Road Ordinance, 1861."

(8) The offence of in any way injuring the side drain by causing carts to be loaded or unloaded in front of the offender's dwelling punishable under section 91, sub-section (8), of "The Road Ordinance, 1861."

(9) Offences under section 94, sub-sections (1), (2), (4), (5), (8), and (10) of "The Road Ordinance, 1861."

(10) Offences under "The Prevention of Cruelty to Animals Ordinance, 1907."

3 After section 28 of the principal Ordinance the following sections shall be inserted and numbered 28 A and 28 B:

Power to deal with stray animals under Roads Ordinance.

28 A It shall be competent for any Village Tribunal to take cognizance, under the provisions of the second clause of sub-section (1) of section 94 of "The Road Ordinance, 1861," of any case of any ox, horse, or sheep found tied, tethered, or straying upon any thoroughfare within its jurisdiction and brought before it, and to make such order in respect of such animal as it is competent for a Police Court to make under the said clause. Provided, however, that it shall not be lawful for any Village Tribunal, in the exercise of the jurisdiction conferred on it by this section, to award punishment in excess of that prescribed by section 31 of the principal Ordinance.

Power to exclude jurisdiction of Village Tribunals in certain cases.

28 B Where any act or omission which constitutes a breach of any rule made under section 6 is also an offence under any other Ordinance, the Attorney-General or the Government Agent of the province or the Assistant Government Agent of the district may direct such offence to be tried by the Police Court having local jurisdiction, and may, if necessary, stay the further trial of such offence by a Village Tribunal.

Price 5 cents.]

Amendment of section 52.

4 The following paragraph shall be added immediately after the first proviso to section 52 of the principal Ordinance, namely:

Nothing in this section shall be deemed to authorize an application to the Governor for relief in any case where a Government Agent has ordered the acquittal of any person.

Passed in Council the Sixteenth day of September, One thousand Nine hundred and Eight.

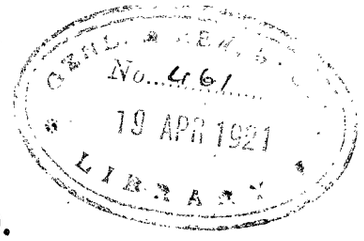
A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-second day of September, One thousand Nine hundred and Eight.

HUGH CLIFFORD,
Colonial Secretary.

Colombo: Printed by H. C. COTTLE, Government Printer, Ceylon; and to be purchased at the GOVERNMENT RECORD OFFICE, Colombo.

MYSORE GOVT. GENL. & REV. SECTT.
No.....
JUDL. & LEGIS. BRANCH.



BOMBAY ACT No. IX OF 1920.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 11th November 1920.)

An Act to provide for the constitution of village panchayats.

WHEREAS it is expedient to give the inhabitants of certain small areas the opportunity of providing for the requirements of such areas in respect of water supply, sanitation and other works of public utility, with the object that they may be encouraged to take an interest in local self-government; and whereas the previous sanction of the Governor General required by section 79, sub-section (2), of the Government of India, 1915, has been obtained for the passing of this Act; It is hereby enacted as follows:—

5 & 6 Geo. 5, c. 61.

1. (*1*) This Act may be called the Bombay Village Panchayats Act, 1920. Short title.

(*2*) It extends to the whole of the Bombay Presidency. Extent.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(*a*) the word "village" means any local area duly declared to be a village for the purposes of this Act;

(*b*) the word "prescribed" means prescribed by rules under this Act;

(*c*) the word "sar-panch" means the chairman of the panchayat elected in accordance with the provisions of section 12.

3. On application in writing being made either by the district local board after previous notice to the Collector or by the Collector after previous Declaration of area.

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[*Copies obtainable from the Superintendent, Government Printing, Poona.*]

notice to the district local board the Commissioner may, by notification in the *Bombay Government Gazette*—

(*a*) declare any local area to be a village for the purposes of this Act;

(*b*) declare that any area should be included in or excluded from a village; or

(*c*) cancel any such declaration.

Establishment of panchayat.

4. In every village a panchayat shall be established consisting of such number of persons not less than five as shall be determined by the district local board.

Members of panchayat.

5. The officiating patel, if any, or, if there be more than one, the officiating revenue patel, or if there be more than one officiating revenue patel, the senior shall be *ex-officio* a member of the panchayat.

The president of the district local board shall in case of doubt or dispute decide who is the senior officiating revenue patel and his decision shall be final.

Save as aforesaid each member of the panchayat shall be elected.

Disqualifications.

6. No person may become or continue to be an elected member of a panchayat who—

(*a*) is a female, or

(*b*) is under twenty-one years of age, or

(*c*) does not ordinarily reside in the village, or

(*d*) has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, or has been ordered to find security for good behaviour under the Code of Criminal Procedure, 1898, V of 1898. such sentence or order not having subsequently been reversed or remitted or the offender pardoned, and whose disqualification has not been removed by an order which the Governor in Council is hereby empowered to make, or

(*e*) has been permanently debarred from practising as a legal practitioner by order of any competent authority, or

(*f*) has been adjudged by a competent Civil Court to be a lunatic, the adjudgment being still in force, or

(*g*) has been adjudicated an insolvent by a competent Court and has not obtained his discharge, or

(*h*) has been removed from office under section 15 and whose disqualification has not been removed by an order which the district local board is hereby empowered to make.

A disqualification under clause (*d*) shall cease on the expiration of five years from the order of whipping or the termination of the period of imprisonment, transportation or security, as the case may be, and a disqualification under clause (*e*) shall cease on the expiration of five years from the date of the order.

Elections.

7. Subject to the foregoing provisions and to such rules as may be made by the Governor in Council, elections shall be made in each village by the adult male residents therein at a meeting presided over by the Assistant or Deputy Collector or other officer or person appointed in this behalf by the Collector and the result shall be reported by him to the Collector and the district local board.

Validity of elections.

8. If the Collector after enquiry is satisfied that any member has been elected in contravention of the provisions of section 6 or that any corrupt or irregular practice has been committed in connection with the election of any member which in the opinion of the Collector should invalidate such election, the Collector shall declare the election of such member to be invalid and such declaration shall be final.

New election if election invalid.

9. If the Collector shall declare the election of any member invalid, a new election for the vacant

seat shall be held in accordance with the foregoing provisions.

Term of office.

10. Members elected at a periodical election under this Act shall ordinarily hold office for a term of three years and shall be eligible for re-election.

Secretary.

11. Every panchayat shall appoint a secretary. Such appointment shall be subject to the approval of the district local board.

Sar-panch.

12. (*1*) The members of the panchayat shall elect one of themselves as sar-panch.

(*2*) The sar-panch shall ordinarily hold office for one year, but shall be eligible for re-election.

Procedure at meetings.

13. The procedure at a meeting of a panchayat shall be in accordance with rules made by the Governor in Council in this behalf.

Executive of panchayat.

14. The resolutions of the panchayat shall be carried out by the sar-panch, in whom the entire executive power of the panchayat shall be vested, and who shall be directly responsible for the due fulfilment of the duties imposed upon the panchayat by or under this Act.

Removal of member, sar-panch, or secretary.

15. The district local board may after hearing the views of the panchayat remove any elected member or any sar-panch of a panchayat who is in its opinion unfit to be a member or sar-panch, as the case may be, or is persistently remiss in the discharge of his duties as such; and a sar-panch so removed may, unless he be an *ex-officio* member of the panchayat, at the discretion of the said board, also be removed from the panchayat. The district local board may also remove the secretary of a panchayat for similar reasons.

Residence of member to be decided by Collector.

16. If any dispute arises as to whether a member does or does not ordinarily reside in the village such dispute shall be decided by the Collector after enquiry and his decision shall be final.

Vacancy due to disqualification, etc., of elected member.

17. (*1*) Any vacancy due to the disablement, death, resignation, disqualification or removal of an elected member shall be filled up as soon as convenient by the election held in accordance with the foregoing provisions of a person who shall hold office so long only as the member in whose place he is elected would have held it if the vacancy had not occurred.

(*2*) Any vacancy due to the disablement, death, resignation, disqualification or removal of a sar-panch shall be filled up as soon as convenient by the election of a member who shall hold office as sar-panch so long only as the sar-panch in whose place he is elected would have held it if the vacancy had not occurred.

(*3*) A sar-panch shall become disqualified if as a member of the panchayat he becomes disqualified.

Duties of panchayat.

18. (*1*) It shall be the duty of the panchayat within the limits of the fund at its disposal to make reasonable provision for carrying out the requirements of the village in respect of as many of the following matters as the district local board shall direct, viz.:—

(*a*) the supply of water for domestic use;

(*b*) the cleansing of the public roads, drains, tanks and wells (other than tanks and wells used exclusively for irrigation) and other public places or works in the village;

(*c*) the construction, maintenance and repair of minor roads, drains and bridges: provided that such works shall not be undertaken without the permission of the person or authority in whom or in which the road, drain or bridge vests;

(*d*) sanitation, conservancy and the prevention and abatement of nuisances;

(*e*) the preservation and improvement of the public health;

(*f*) the maintenance and the regulation of the use of public buildings vesting in the panchayat,

grazing lands, tanks and wells (other than tanks and wells used exclusively for irrigation); and

(*g*) the lighting of the village.

(*2*) The panchayat may also make provision for carrying out the requirements of the village in respect of any other matters approved by the district local board.

Additional duties.

19. The district local board may at any time, with the consent of the panchayat, transfer to such panchayat the management of any institution or the execution of any work not provided for in section 18, and it shall thereupon be lawful for such panchayat to undertake the management of such institution or the execution of such work: provided that in every such case the funds necessary for such management or execution shall be placed at the disposal of the panchayat by the district local board.

Other duties.

20. (*1*) The panchayat shall, subject to rules made by the district local board under this Act—

(*a*) supervise the village school;

(*b*) supervise the labour employed by local boards on works within the village;

(*c*) manage and maintain cattle pounds;

(*d*) perform such other administrative duties as may from time to time be assigned to it by the Governor in Council by notification in the *Bombay Government Gazette*.

(*2*) Rules made by the district local board under this section shall be made within six months from the passing of this Act. If not made within that period, it shall be open to the Governor in Council to make rules in this behalf.

Property of panchayat.

21. (*1*) It shall be competent to the district local board from time to time to direct that any property vesting in the district local board shall vest in a panchayat.

(*2*) Every work constructed by a panchayat shall vest in such panchayat.

Schedule of servants.

22. The panchayat shall, subject to the provisions of section 32, determine and submit to the district local board a schedule of the number and salaries of its servants required for carrying out the duties imposed upon the panchayat by or under this Act.

Appointment of servants.

23. (*1*) The sar-panch shall appoint the servants of the panchayat and pay their salaries from the funds at his disposal. He may also in cases of emergency engage such temporary servants as he may deem necessary. The sar-panch may from time to time by a written order fine, suspend or dismiss any servant appointed by him.

(*2*) No appeal shall lie against any order passed under this section other than an appeal to the panchayat against an order of dismissal.

Budget.

24. (*1*) The panchayat shall determine annually and shall submit to the district local board on or before such date and in such form as may be prescribed by the district local board a statement of—

(*a*) the opening balance and estimated income of the village fund for the following year;

(*b*) the expenditure proposed on establishment and the discharge of the duties specified in sub-section (*1*) of section 18;

(*c*) the expenditure proposed under sub-section (*2*) of section 18.

(*2*) The district local board shall within two months from the date of the receipt of such statement either approve the same or direct that the proposed expenditure on any of the duties specified in section 18 shall be increased or decreased: provided that the district local board shall not have power to direct that the total proposed expenditure shall exceed the estimated income of the village fund for the following year.

Village fund.

25. For each village there shall be at the disposal of the panchayat a village fund and there shall be placed to the credit thereof—

(*a*) any amount which may be allotted to the village fund by the Governor in Council under the provisions of section 191 of the Bombay District Municipal Act, 1901; Bom. III of 1901.

(*b*) the proceeds of any tax imposed under section 26 or section 27;

(*c*) all fines realized in prosecutions for breaches of the by-laws made under this Act;

(*d*) all other sums ordered by a Court to be placed to the credit of the village fund;

(*e*) the sale proceeds, except in so far as any person is entitled to the whole or a portion thereof, of all dust, dirt, dung, or refuse (including the dead bodies of animals) collected by the village servants;

(*f*) sums contributed to the village fund by a district local board;

(*g*) all sums received by way of loans from Government or by way of gift;

(*h*) such other sums as may be assigned to the village fund by any general or special order of the Governor in Council; and

(*i*) the income of any property vesting in the panchayat under section 21.

House tax.

26. In every village a house tax shall be levied in accordance with rules made by the Governor in Council.

Additional taxation.

27. (*1*) Subject to the veto of the Governor in Council a panchayat may, with the approval of and in accordance with rules made by the district local board, levy any tax upon the owners or occupiers of houses or lands within the limits of the village. Any such owner or occupier may appeal against the assessment or levy of any such tax to the district local board, whose decision shall be final.

(*2*) Subject to such veto a panchayat may with such approval and in accordance with such rules impose an octroi.

Any resident of the village may appeal against the imposition of such octroi to the district local board whose decision shall be final.

Increase of income.

28. (*1*) If at any time in the opinion of the district local board the regular income of the panchayat falls below what is necessary for the proper discharge of the duties specified in section 18, the district local board may call upon the panchayat to take steps within six months to increase its income to such a figure as it considers necessary. If the panchayat fails to take adequate steps to increase its income to the required amount, the district local board may require it to increase the house tax:

Provided that in no circumstances shall the district local board have power to require the house tax to be increased beyond the maximum rate prescribed by the Governor in Council.

(*2*) Any panchayat may appeal to the Commissioner against the enhancement of its income and no action shall be taken by the district local board to effect such enhancement until the appeal has been decided.

Recovery of taxes.

29. (*1*) On any person failing to pay any tax or instalment thereof or any due on or before the specified date of payment, the panchayat shall cause a writ of demand to be served on the defaulter and, if payment is not made within 15 days from such service, may levy such sum by distraint and sale of his movable property.

(*2*) If the panchayat either fails to recover the taxes or fines due to it or neglects to take action under the provisions of the preceding sub-section or of sub-section (*4*) of section 41, the district local board may request the Collector to recover the same as an arrear of land revenue, and the Collector may,

after holding such enquiry, if any, as he thinks fit, proceed to do so.

Bombay Local Boards Act.

30. Notwithstanding anything in the Bombay Local Boards Act, 1884, the district or taluka local board may assign a portion of the local fund to a panchayat for expenditure in connection with the provisions of this Act. Bom. I of 1884.

Power of inspection.

31. (*1*) The district local board shall have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any panchayat, or any work in progress under it or under its direction ;

(*b*) to call for any extract from the proceedings of a panchayat, any book or document in the possession of or under the control of a panchayat, and any return, statement, account or report which it may think fit to require such panchayat to furnish;

(*c*) to require a panchayat to take into consideration any objection which appears to the district local board to exist to the doing of any thing which is about to be done or is being done by such panchayat, or any information which the district local board is able to furnish and which appears to it to necessitate the doing of a certain thing by the panchayat, and to make a written reply to the district local board within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

(*2*) All or any of the powers given to the district local board under the preceding sub-section may be delegated by it to its president, vice-president, chief officer, public health officer or executive engineer.

Extravagance in establishment.

32. If in the opinion of the district local board the number of persons maintained or proposed to be maintained by a panchayat as officers or servants, or the remuneration given or proposed to be given by the panchayat to such persons is excessive, the

panchayat shall, on the requirement of the district local board, reduce such number or remuneration :

Provided that the panchayat may appeal against any such requirement to the Governor in Council, whose decision shall be final.

Suspension of execution of order.

33. (*1*) If in the opinion of the district local board the execution of any order or resolution of a panchayat or the doing of anything which is about to be done or is being done by or on behalf of a panchayat is causing, or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, it may, by order in writing, under the signature of its president, suspend the execution or prohibit the doing thereof.

(*2*) When a district local board makes any order under the preceding sub-section, it shall forthwith forward to the Governor in Council and to the panchayat affected thereby a copy of the order with a statement of the reasons for making it, and it shall be in the discretion of the Governor in Council to rescind the order, or to direct that it continue in force, with or without modification, permanently or for such period as he may think fit.

Execution of work in case of emergency.

34. (*1*) In cases of emergency the district local board may provide for the execution of any work, or the doing of any act, which a panchayat is empowered to execute or do, and the immediate execution or doing of which is, in its opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, shall be forthwith paid by the panchayat.

(*2*) If the expense is not so paid, the district local board may direct the officer in charge of the treasury in which the village fund is kept to pay such expense, or as much thereof as is possible, from the balance of such fund in his hands.

(*3*) The district local board shall forthwith report to the Governor in Council every case in which it uses the powers given to it by sub-section (*1*).

Performance of duty.

35. (*1*) If at any time it appears to the district local board that a panchayat has made default in the performance of any duty specified in section 18, it may order the duty to be performed within a specified period and, if the duty is not performed within the period specified, it may appoint some person to perform it and direct that the expense of performance shall be paid by the defaulting panchayat within such period as the district local board may fix.

(*2*) If the expense is not so paid, the district local board may direct the officer in charge of the treasury in which the village fund is kept to pay such expense, or as much thereof as is possible, from the balance of such fund in his hands.

(*3*) The district local board shall forthwith report to the Governor in Council every case in which it uses the powers given to it by sub-section (*1*).

Supersession of panchayat.

36. (*1*) If in the opinion of the Governor in Council a panchayat exceeds or abuses its powers or makes persistent default in the performance of the duties specified in section 18, the Governor in Council may, after reference to the district local board, by an order in the *Bombay Government Gazette,* supersede such panchayat for a period specified in the order.

(*2*) When a panchayat is so superseded,

(*a*) all members thereof shall vacate their offices as members as from the date of the communication of the order to the sar-panch ;

(*b*) all powers and duties of the panchayat shall, during the period of supersession, be exercised and performed by such person or persons as the district local board may from time to time appoint in that behalf; and

(*c*) on the expiry of the period of supersession the panchayat shall be reconstituted and the persons vacating their offices under clause (*a*) shall be eligible for re-election.

Authority of Governor in Council.

37. In all matters connected with this Act, the Governor in Council shall have and exercise the same authority and control over the district local boards as he has and exercises over them under the Bombay Local Boards Act, 1884.

Bom. I of 1884.

By-laws.

38. (*1*) The district local board may, with the previous sanction of the Governor in Council, make by-laws providing for—

(*a*) the purification and protection from pollution of all sources of water used for drinking purposes;

(*b*) the prohibition of the removal or use for drinking purposes of any water from any stream, tank, well or other source where such removal or use causes, or is likely to cause, disease or injury to health and the prevention of such removal or use by the filling in or covering over of such tank or well or by any other method which may be considered advisable;

(*c*) the prohibition of the deposit or storage of manure, refuse or other offensive matter in a manner or in places prejudicial to the public health, comfort or convenience;

(*d*) the regulating of offensive callings or trades;

(*e*) the disposal of corpses by burning or burial;

(*f*) the excavation of earth and the filling up of excavations and depressions injurious to health or offensive to the neighbourhood;

(*g*) the removal of noxious vegetation;

(*h*) the repair and removal of dangerous or ruinous buildings;

(*i*) the prevention of the erection of buildings without adequate provision for ventilation or the laying out and location of streets;

(*j*) the regulation of markets and slaughter-houses; and

(*k*) the general regulation of sanitation and conservancy;

and may with the like sanction provide a penalty not exceeding ten rupees for a breach of any such by-law.

(*2*) All or any of these by-laws may be applied to any village by the district local board.

(*3*) The making of such by-laws shall be subject to the condition of previous publication.

Trial for breaches of by-laws by panchayat.

39. (*1*) Every breach of a by-law made under this Act shall, unless the District Magistrate otherwise directs, be cognizable by the panchayat.

(*2*) The panchayat shall in the presence of the accused person, or if notwithstanding the service of a notice upon the said person he fails to appear, then in his absence, take evidence as to the alleged breach and any evidence produced by the said person in his defence and shall thereupon either acquit or convict the accused person and, if he is convicted, the panchayat may sentence him to such punishment authorised by this Act or by the by-laws as it thinks reasonable.

(*3*) No advocate, attorney, pleader, vakil or mukhtiar shall appear before a panchayat on behalf of an accused person.

(*4*) A person convicted by the panchayat may, at any time within ten days after sentence is passed against him, apply for revision to the District Magistrate or to such other Magistrate, not being a member of such panchayat, as the District Magistrate may, subject to the orders of the Governor in Council, from time to time appoint in this behalf.

(*5*) In revision the Magistrate may confirm reverse or modify the decision of the panchayat and may pass any order as to punishment which it was competent to the panchayat to pass; his order shall be enforced in like manner as one made by the panchayat.

(*6*) Such Magistrate may suspend execution of the sentence pending disposal of the application when such suspension shall appear to him necessary or expedient, on such terms as he may think fit.

Trial by Magistrate.

40. Where the District Magistrate by a special or general order so directs, any breach of such by-laws shall not be cognizable by a panchayat under section 39 but shall be cognizable by any Magistrate and punishable as provided in this Act.

Punishment.

41. (*1*) A breach of any by-law made under this Act shall be punishable, unless in any case a smaller punishment is provided in such by-laws, with fine which may extend to ten rupees and in the case of a continuing breach with fine which may extend to two rupees for every day during which the breach continues after conviction for the first breach or after receipt of notice from the panchayat to discontinue the breach.

(*2*) A person convicted by a Magistrate of a breach or a continuing breach may be sentenced in default of payment of the fine to simple imprisonment for a period which may extend to four days.

(*3*) A panchayat may allow a person sentenced by it to pay a fine such time not exceeding four days as it may think proper for the payment of the fine, on such terms as to security as it shall seem to the panchayat necessary to impose.

(*4*) Fines inflicted by a panchayat shall be recoverable by distraint and sale of the offender's movable property. If the amount of the fine is not fully recovered, the panchayat may apply to a Magistrate to recover the fine or such part thereof as has not been recovered and the Magistrate shall proceed to recover the same as if the fine had been imposed by himself.

Rules.

42. (*1*) The Governor in Council may by notification in the *Bombay Government Gazette* make rules—

(*a*) under section 7, regulating the elections of members of panchayats;

(*b*) under section 13, regulating the procedure at a meeting of a panchayat, providing for the casting vote of the sar-panch, and fixing a quorum ;

(*c*) under section 20, on default by the district local board, regulating the performance by panchayats of the duties therein referred to ;

(*d*) under section 26, regulating the levy of a house-tax ;

(*e*) under section 28, fixing a maximum rate of house-tax.

(*2*) The district local board may, with the previous sanction of the Governor in Council, make rules to carry out the objects of this Act except in the cases provided for in sub-section (*1*)[f] ; in particular and without prejudice to the generality of the foregoing provision, such rules may be made—

(*a*) under section 20, regulating the performance by panchayats of the duties therein referred to ;

(*b*) under section 24, fixing a time limit for submitting and the form of the statement therein referred to ;

(*c*) under section 27, regulating the levy of additional taxation.

The making of such rules shall besubject to the condition of previous publication.

Delegation of powers.

43. The Governor in Council may by notification authorise any person to exercise any of the powers vested in him or conferred on district local boards in respect of panchayats by this Act and may at any time in like manner modify or cancel such authority.

Balance of village fund.

44. On any area ceasing to be a village the unexpended balance of the village fund and the property vesting in the panchayat shall vest in the district local board and shall be utilized for the benefit of the inhabitants of the area as the district local board may think fit.

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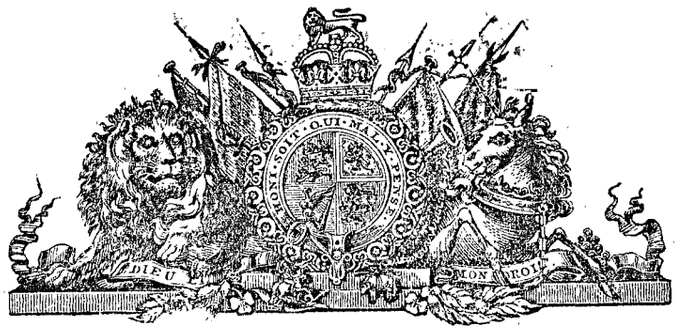

The Calcutta Gazette

WEDNESDAY, APRIL 10, 1918.

PART IV.

Bills introduced in the Bengal Legislative Council, Reports of Select Committees presented or to be presented in that Council, and Bills published before introduction in that Council.

GOVERNMENT OF BENGAL.

BENGAL LEGISLATIVE COUNCIL.

NOTIFICATION.

No. 551L., dated the 6th April, 1918.—The following Bill was introduced in the Bengal Legislative Council on the 4th April, 1918, and is hereby published for information, together with the Statement of Objects and Reasons annexed thereto:—

THE BENGAL VILLAGE SELF-GOVERNMENT BILL, 1918.

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A BILL

to extend Village Self-Government in Bengal.

WHEREAS it is expedient to extend the system of Village Self-Government in Bengal;

And whereas the sanction of the Governor General has been obtained under section 79, sub-section (*2*) and sub-section (*3*), of the Government of India Act, 1915, to the passing of this Act; 5 & 6 Geo V, c. 61.

It is hereby enacted as follows:—

PART I.

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (*1*) This Act may be called the Bengal Village Self-Government Act, 1918.

(*2*) It extends to the whole of Bengal, except the town of Calcutta and any area which has been or may hereafter be constituted a Municipality under the provisions of the Bengal Municipal Act, 1884. [*Cf.* Act VIII of 1885, s. 1 (*3*).] Ben. Act III of 1884.

Explanation.—The words "the town of Calcutta" mean, subject to the exclusion or inclusion of any local area by notification under section 637 of the Calcutta Municipal Act, 1899, and subject to the provisions of section 147 of the Calcutta Improvement Act, 1911, the area described in Schedule I to the Calcutta Municipal Act, 1899. Ben. Act III of 1899. Ben. Act V of 1911.

(*3*) It shall come into force in such districts or parts thereof and on such dates as the Local Government may, by notification, direct, and the Local Government may, by notification, withdraw this Act from any district or part thereof: [*Cf.* Ben. Act V of 1914, s. 1 (*2*).]

Provided that this Act shall not come into force in any cantonment without the sanction of the Governor General in Council previously obtained. [*Cf.* Ben. Act III of 1885, s. 4.]

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "building" includes a hut and shed

(*2*) "Circle Officer" means any person who may be appointed by the Local Government to exercise the powers and perform the duties of a Circle Officer under this Act; [*Cf.* Act VI of 1912, s. 2 (*9*).]

(*3*) "Dafadar" means a head Chaukidar;

(*4*) "District Board" means a District Board established under the Bengal Local Self-Government Act of 1885; Ben. Act III of 1885.

(*5*) "local authority" means any District Board or Local Board, Joint Committee, Union Committee or Joint Union Committee constituted under the Bengal Local Self-Government Act of 1885 and any Village Committee or Circle Board constituted under this Act;

(Part I.—Chapter II.—Village Committees and Circle Boards.—Clauses 3-5.)

(6) "notification" means a notification published in the *Calcutta Gazette*; [*Cf.* Ben. Act III of 1885, s. 5.]

(7) "Subdivisional Magistrate" means any Magistrate in charge of a subdivision of a district; and

(8) "year" means a year beginning on the first day of April, or on such other date as may hereafter be fixed for any Village Committee or Circle Board by the Local Government by notification. [*Cf.* Ben. Act III of 1884, s. 6 (19).]

CHAPTER II.

VILLAGE COMMITTEES AND CIRCLE BOARDS.

Power of Local Government to declare local areas to be villages.

3. When this Act has come into force in any district, or part thereof, the Local Government shall, by notification, divide that district or part into as many local areas as may to them seem expedient, and shall, by notification, declare every such local area to be a village for the purposes of this Act.

Establishment and constitution of Village Committee.

4. (1) The Local Government shall, by notification, establish a Village Committee for every village constituted under section 3, and shall fix the number of members of each Village Committee: [*Cf.* Ben. Act III of 1884, ss. 38, 39, 40 and 41.]

Provided that the number of members of a Village Committee shall not be less than six or more than nine.

(2) The members shall be elected from among the residents of the village by persons qualified to vote under section 5, and within such time and in accordance with such rules as may be prescribed in this behalf under section 111.

(3) Notwithstanding anything contained in sub-section (2), the Local Government may direct, by an order in writing, for reasons to be stated in such order, that any Village Committee shall consist of members partly elected in the manner referred to in sub-section (2) and partly appointed by the District Magistrate:

Provided that the number of members to be so elected shall not be less than two-thirds of the total number of members of the Village Committee.

(4) If within the period fixed in this behalf, the electors of any Village Committee fail to elect the full number of members prescribed for the Committee, the District Magistrate shall appoint the remainder; and any person so appointed shall be deemed to be a duly elected member.

(5) The members appointed by the District Magistrate shall be deemed to have been appointed on the date on which the election under this section takes place.

Qualifications of voters and members of Village Committee.

5. (1) Every male person of the full age of twenty-one years and resident within the village,

(i) who, during the year immediately preceding the election, has paid a sum of not less than one rupee as cess in respect of lands situated wholly or in part in such village, or

(Part I.—Chapter II.—Village Committees and Circle Boards.—Clauses 6-8.)

(*ii*) who, during the year immediately preceding such election, has been assessed at and paid a sum of not less than one rupee for the purposes of the village rate payable under this Act, or in the case of a first election under this Act, as chaukidari-tax, or

(*iii*) who is a member of a joint undivided family, which, during the year immediately preceding the election, has paid a sum of not less than one rupee as such cess, rate or tax,

shall be entitled to vote at an election of members of the Village Committee.

(*2*) Every male person of the full age of twenty-one years and resident within the village shall be entitled to be a member of the Village Committee if duly elected thereto.

President of Village Committee.

6. (*1*) Every Village Committee shall be presided over by a President, who shall be elected by the members of the Village Committee from among their own number.

(*2*) If any Village Committee fails to elect a President within the period prescribed in this behalf by rules made under section 111, the District Magistrate shall appoint a member of the Committee to be the President.

Establishment of Circle Board.

7. Whenever Village Committees have been established in any district or part thereof under section 4, sub-section (*1*), the Local Government shall, by notification, declare such of the villages in that district or part as may to them seem expedient to form a Circle, and shall establish a Circle Board for every such Circle.

Constitution of Circle Board.

8. (*1*) A Circle Board shall consist of fifteen members, namely:— [*Cf.* Ben. Act III of 885, ss. 9, 10 nd 11.]

(*a*) five members to be appointed by the Commissioner;

(*b*) ten members to be elected within such time and in accordance with such rules as may be prescribed in this behalf under section 111.

(*2*) The District Magistrate shall, from time to time, for the purposes of election under clause (*b*) of sub-section (*1*), by order in this behalf, divide a Circle into two or more groups of villages and allot the number of members to be elected by each group.

(*3*) The members of the Village Committees in every such group shall elect the number of members of the Circle Board allotted to that group from among their own number or from among the persons who are qualified to vote at an election of members of any of the Village Committees within the group.

(*4*) If the ten members of the Circle Board to be elected under clause (*b*) of sub-section (*1*) are not all duly elected under sub-section (*3*) within the prescribed period, the Commissioner shall appoint a member or members to make up the required number; and any person so appointed shall be deemed to be a duly elected member.

(Part I.—Chapter II.—Village Committees and Circle Boards.—Clauses 9-12.)

(*5*) Members appointed by the Commissioner under this section shall be deemed to have been appointed on the date on which the election under clause (*b*) of sub-section (*1*) takes place.

'Chairman of Circle Board.

9. (*1*) Every Circle Board shall be presided over by a Chairman, who shall be elected, either by name or by virtue of office, by the members from among their own number, or the Circle Board may, at a meeting attended by not less than two-thirds of its members, request the District Magistrate to appoint a Chairman. [*Cf.* Ben. Act III of 1885, s. 25.]

(*2*) If any Circle Board fails to elect a Chairman within the period prescribed in this behalf by rules made under section 111, the Commissioner shall appoint a Chairman.

Vice-Chairman of Circle Board.

10. (*1*) Every Circle Board shall, within such period as may be prescribed in this behalf by rules made under section 111, elect one of its members to be the Vice-Chairman of the Circle Board. [*Cf.* Ben. Act III of 1885, s. 26.]

(*2*) If any Circle Board fails to elect a Vice-Chairman within such period, the Commissioner may appoint a Vice-Chairman.

Disqualification of certain persons from voting at election of, or being members of, Village Committees or Circle Boards.

11. Notwithstanding anything contained in this Act, no person who is not a British subject or a subject of any State in India shall be qualified to vote at an election of, or to be a candidate for election as a member of, a Village Committee or Circle Board, nor shall such person be nominated to be a member of such Committee or Board or to hold the office of Chairman of any such Board:

Provided that the Local Government may, with the approval of the Governor General in Council, by notification, exempt from the provisions of this section any person or class of persons who are not British subjects or subjects of any State in India.

Power to remove members.

12. The District Magistrate may remove any member of a Village Committee and the Commissioner may remove any member of a Circle Board—

(*1*) who is convicted of any such offence or is subjected by a Criminal Court to any such order, as, in the opinion of the District Magistrate or the Commissioner, as the case may be, formed after such inquiry as the District Magistrate or Commissioner may consider to be necessary, unfits such person to be a member: or [*Cf.* Ben. Act III of 1885, ss. 18 and 18A.]

(*2*) who refuses to act, or becomes incapable of acting, or is declared to be insolvent; or

(*3*) who has been declared by notification to be disqualified for employment in the public service: or

(*4*) who, without an excuse sufficient in the opinion of the District Magistrate or the Commissioner, as the case may be, absents himself from six consecutive meetings of the Committee or Board; or

(Part I.—Chapter II.—Village Committees and Circle Boards.—Clauses 13-16.)

(5) on the recommendation of the Village Committee or Circle Board at a meeting, if the member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct. [*Cf.* Ben. Act III of 1884, s. 19.]

Term of office of members.

13. (1) The term of office of a member of a Village Committee or Circle Board shall be three years from the date of his election or appointment, but shall include any period which may elapse between the expiration of the said three years and the date of the next subsequent election or appointment, not being an election or appointment made under section 14. [*Cf.* Ben. Act III of 1885, s. 42.]

(2) Any member shall, if not disqualified for any of the reasons mentioned in clause (1) or clause (3) of section 12, be eligible for re-election or re-appointment at the end of his term of office.

Filling of casual vacancies.

14. When the place of an elected or appointed member of a Village Committee or Circle Board becomes vacant by his removal, resignation or death, a new member shall be elected or appointed in the manner provided in section 4, or section 8, as the case may be, and shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred: [*Cf.* Ben. Act III of 1885, s. 43.]

Provided that no act of the Village Committee or Circle Board, or of their officers, shall be deemed to be invalid by reason only that the number of members of the Committee or Board at the time of the performance of such act was less than the prescribed number.

Resignation of President, Chairman, Vice-Chairman or member.

15. (1) A President of a Village Committee or a Chairman of a Circle Board may resign during the term of his office by notifying his intention to do so, in the case of a President of a Village Committee, to the District Magistrate, and in the case of a Chairman of a Circle Board, to the Commissioner; and on such resignation being accepted by the Magistrate or Commissioner, as the case may be, shall be deemed to have vacated his office. [*Cf.* Ben. Act III of 1885, s. 27.]

(2) A Vice-Chairman of a Circle Board may resign during the term of his office by notifying in writing his intention to do so to the Circle Board; and on such resignation being accepted, shall be deemed to have vacated his office.

(3) A member of a Village Committee or Circle Board may resign during his term of office by notifying in writing his intention to do so to the Village Committee or Circle Board, as the case may be, and on such resignation being accepted shall be deemed to have vacated his office. [*Cf.* Ben. Act III of 1884, s. 27A.]

Removal of President or Chairman or Vice-Chairman.

16. (1) The District Magistrate may remove a President of a Village Committee and the Commissioner may remove a Chairman of a Circle Board from his office—

(*i*) if he refuses to act, or becomes incapable of acting, or is declared insolvent; [*Cf.* Ben. Act III of 1885, s. 28.]

(Part I.—Chapter II.—Village Committees and Circle Boards.—Clauses 17, 18.)

(*ii*) if he is convicted of any such offence or subjected by a Criminal Court to any such order, as, in the opinion of the District Magistrate or the Commissioner, as the case may be, formed after such inquiry as the District Magistrate or Commissioner may consider to be necessary, shows him to be unfit to be President of a Village Committee or Chairman of a Circle Board; or

(*iii*) on the recommendation of the Village Committee or Circle Board at a meeting, if he is guilty of misconduct or persistent negligence in the discharge of his duties as President or Chairman, or of any disgraceful conduct. [*Cf.* Ben. Act III of 1884, s. 19.]

(*2*) A Circle Board may remove its Vice-Chairman from his office—

(*i*) if he refuses to act, or becomes incapable of acting, or is declared insolvent; or

(*ii*) if he is convicted of any such offence, or subjected by a Criminal Court to any such order, as, in the opinion of the Circle Board, formed after such inquiry as the Circle Board may consider to be necessary, unfits him to be Vice-Chairman; or

(*iii*) if he is guilty of misconduct or persistent negligence in the discharge of his duties as Vice-Chairman, or of any disgraceful conduct. [*Cf.* Ben. Act III of 1884, s. 19.]

Filling up of casual vacancy in office of President or Chairman or Vice-Chairman.

17. (*1*) If a President of a Village Committee or a Chairman or a Vice-Chairman of a Circle Board dies, resigns, or is removed, the Village Committee or the Circle Board, as the case may be, may, at a meeting, within a period prescribed in this behalf by rules made under section 111, elect from among its members a President, a Chairman or a Vice-Chairman, as the case may be. [*Cf.* Ben. Act III of 1885, s. 29.]

(*2*) If any Village Committee or Circle Board fails to elect a new President, Chairman or Vice-Chairman, as the case may be, within the prescribed period, the District Magistrate, in the case of a Village Committee, or the Commissioner, in the case of a Circle Board, may appoint a new President, Chairman or Vice-Chairman.

Term of office of President, Chairman or Vice-Chairman.

18. (*1*) The term of office of a President of a Village Committee or of an elected Chairman of a Circle Board or of a Vice-Chairman of a Circle Board shall, subject to the provisions of sections 15 and 16, be the residue of his term of office as a member of the Village Committee or of the Circle Board, as the case may be. [*Cf.* Ben. Act III of 1885, s. 29A.]

(*2*) The term of office of an appointed Chairman of a Circle Board shall, subject as aforesaid, be one year from the date of his appointment; but he may be re-appointed on the expiration of that term:

Provided that the term of office of an appointed Chairman shall not extend beyond the time of the first meeting of the members of the next subsequent Circle Board elected or appointed in the manner provided in section 8.

(Part I.—Chapter II.—Village Committees and Circle Boards.—Chapter III.—Powers and Duties of Village Committees.—Clauses 19-22.)

(3) Every appointed Chairman of a Circle Board shall be deemed to be a member of the Board during his term of office.

Incorporation of Village Committees and Circle Boards.

19. Every Village Committee and Circle Board shall be a body corporate by the name of "the Village Committee of (name of village)" / "the Circle Board of (name of circle)", and shall have perpetual succession and a common seal, and shall by the said name, sue and be sued, with power to acquire or hold property, both movable and immovable, and, subject to any rules made by the Local Government under section 111, to transfer any such property held by a Village Committee or Circle Board and to contract and do all other things necessary for the purposes of this Act. [*Cf.* Ben. Act III of 1885, s. 20.]

Works constructed by a Village Committee and Circle Board to vest in them.

20. Every road, building or other work constructed by a Village Committee or Circle Board from the Village or Circle Fund shall be vested in the Village Committee or Circle Board by which it has been constructed. [*Cf.* Ben. Act III of 1885, s. 75.]

Power of Circle Board to make rules as to business and affairs.

21. (1) Every Circle Board, with the sanction of the Commissioner, may, and shall, from time to time, if so required by the Commissioner, make rules, regulating— [*Cf.* Ben. Act III of 1885, s. 32.]

(*a*) the time, place and notice of its meetings, the business to be transacted at such meetings, the conduct of proceedings thereat, and the due record of all dissents and discussions;

(*b*) the custody of the common seal and the purposes for which it shall be used;

(*c*) the division of duties amongst its members;

(*d*) the powers to be exercised by the Chairman or the Vice-Chairman or by sub-committees or members to whom particular duties are assigned;

(*e*) the granting of receipts for money received under this Act;

(*f*) the duties, appointment, leave, leave-allowances and punishment (including suspension and removal) of officers and servants of the Board; and

(*g*) other similar matters.

(2) All rules made under sub-section (1) shall be published in such manner as the Commissioner may direct.

CHAPTER III.

POWERS AND DUTIES OF VILLAGE COMMITTEES.

Duties of Village Committees.

22. Every Village Committee shall,— [*Cf.* Ben. Act VI of 1870, s. 41; and Ben. Act III of 1885, ss. 111, 114, 115.]

(1) in accordance with rules made in this behalf under section 111,—

(*a*) exercise a general control over the Dafadars and Chaukidars of the village;

(*b*) provide, as far as possible, for the sanitation and conservancy of the village and for the prevention of public nuisances therein;

(*c*) make special arrangements for the sanitation and conservancy of fairs and mélas held within the village;

(*d*) have control of all drains and other conservancy works within the village which are not under the control of any other authority;

(*e*) execute all works that are necessary for improving the sanitation, conservancy or drainage of the village; and

(*f*) perform all such other acts as may be necessary to carry out the purposes of this Act;

(*2*) perform such functions as may be transferred to it by notification under section 31 of the Cattle-trespass Act, 1871; and I of 1871.

(*3*) if required to do so by the District Magistrate, provide for the registration of births and deaths within the village under the provisions of the Bengal Births and Deaths Registration Act, 1873. Ben. Act IV of 1873.

Numbers and salaries of Dafadars and Chaukidars.

23. (*1*) The number of Dafadars and Chaukidars to be employed in a village, the salary to be paid to them and the nature and cost of their equipment shall be determined from time to time by the District Magistrate after consideration of the views of the Village Committee. [*Cf.* Ben. Act VI of 1870, ss. 11 and 12.]

(*2*) The salaries and the cost of equipment of Dafadars and Chaukidars shall be paid by the Village Committee, and the Dafadars and Chaukidars shall receive their salaries and equipment at such times and in such manner as may be prescribed in this behalf by rules made under section 111. [*Cf.* Ben. Act VI of 1870, ss. 43 and 44.]

Appointment and dismissal of Dafadars and Chaukidars.

24. (*1*) The District Magistrate shall appoint such person as he considers fit to be a Dafadar under this Act, and the Village Committee shall, when a vacancy exists, nominate a person to be a Chaukidar under this Act, and the District Magistrate shall, if satisfied with such nomination, appoint such nominee to be Chaukidar: [*Cf.* Ben. Act VI of 1870, s. 35.]

Provided that, if the Village Committee fails within a reasonable time to nominate a person to be a Chaukidar, or, if the District Magistrate is not satisfied with such nomination, the District Magistrate shall appoint any person whom he thinks fit to be a Chaukidar.

(*2*) The District Magistrate may dismiss any Dafadar or Chaukidar, and the Village Committee may, with the sanction of the District Magistrate, dismiss any Chaukidar.

Power to fine Dafadars and Chaukidars

25. Every Dafadar and Chaukidar who is guilty of any wilful misconduct in his office, or neglect of his duty, such misconduct or neglect not being an offence within the meaning of the Indian Penal Code, and not being of so grave a character as in the opinion of the District Magistrate to require his dismissal, shall be liable to be punished by the District Magistrate with fine not exceeding the amount of one month's salary. [*Cf.* Ben. Act VI of 1870, s. 38.] Act XLV of 1860.

(Part I.—Chapter III.—Powers and Duties of Village Committees.—Clause 26.)

Powers and duties of Dafadars and Chaukidars.

26. (*1*) Every Chaukidar shall exercise the following powers and perform the following duties :— [*Cf.* Ben. Act VI of 1870, s. 39.]

(*i*) he shall give immediate information to the officer in charge of the police-station within the limits of which the village is situated of every unnatural, suspicious or sudden death which may occur, and of any offence specified in Schedule I which may be committed within the village, and he shall keep the police informed of all disputes which are likely to lead to any riot or serious affray;

(*ii*) he may, without an order from a Magistrate and without a warrant, arrest— [*Cf.* Act V of 1898, s. 54 (*1*).]

(*a*) any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists of his having been so concerned;

(*b*) any person having in his possession, without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking;

(*c*) any person who has been proclaimed as an offender either under the Code of Criminal Procedure, 1898, or by order of the Local Government; Act V of 1898.

(*d*) any person in whose possession anything is found which may reasonably be suspected to be stolen property, or who may reasonably be suspected of having committed an offence with reference to such thing;

(*e*) any person who obstructs a police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody;

(*f*) any person reasonably suspected of being a deserter from His Majesty's Army or Navy or of belonging to His Majesty's Indian Marine Service and being illegally absent from that service;

(*g*) any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of British India, which, if committed in British India, would have been punishable as an offence, and for which he is, under any law relating to extradition or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in British India; and 44 & 45 Vict., c. 69.

(*h*) any released convict committing a breach of any rule made under section 565, sub-section (*3*), of the Code of Criminal Procedure, 1898; Act V of 1898.

(*iii*) he shall, to the best of his ability, prevent, and he may interpose for the purpose of preventing, the commission of any offence specified in Schedule I;

(Part I.—Chapter III.—Powers and Duties of Village Committees.—Clauses 27-29.)

(*iv*) he shall assist private persons in making such arrests as they may lawfully make, and he shall report such arrests without delay to the officer in charge of the aforesaid police-station;

(*v*) he shall observe, and, from time to time, report to the said officer the movements of all bad characters within the village;

(*vi*) he shall report to the said officer the arrival of suspicious characters in the neighbourhood;

(*vii*) (*a*) in any village in which the Village Committee has not been required under clause (*3*) of section 22 to provide for the registration of births and deaths, he shall report to the said officer at such intervals as the District Magistrate may determine and in the manner prescribed by the District Magistrate, the births and deaths, if any, which have occurred within the village; or

(*b*) in a village in which the Village Committee is required under the said clause to provide for the registration of births and deaths, he shall report to the President of the Village Committee the births and deaths, if any, which have occurred within the village;

(*viii*) he shall supply any local information which the District Magistrate or any police-officer may require;

(*ix*) he shall obey the orders of the Village Committee in regard to keeping watch within the village and in regard to other matters connected with his duties as Chaukidar;

(*x*) he shall assist the person collecting the village rate in making such collection; and

(*xi*) he shall carry out such other duties as may be entrusted to him from time to time in accordance with this Act or any rules made thereunder.

(*2*) Every Dafadar shall exercise all the powers conferred on a Chaukidar under sub-section (*1*) and shall perform such duties as may be imposed upon him by rules made under section 111.

Procedure on arrest by Dafadars or Chaukidars.

27. Whenever a Dafadar or Chaukidar arrests any person under section 26, he shall forthwith take the person so arrested to the police-station within the limits of which such village is situated: [*Cf.* Ben. Act VI of 1870, s. 40.]

Provided that, if the arrest is made at night, such person shall be so taken, as soon as convenient, on the following morning.

Fines to be credited to District Chaukidari Reward Fund.

28. All fines realized from a Dafadar or Chaukidar under this Act shall be credited to a District Chaukidari Reward Fund, the control over which shall rest with the District Magistrate. [*Cf.* Ben. Act VI of 1870, s. 42.]

Power of Village Committee as to sanitation, conservancy and drainage.

29. (*1*) If it appears to the Village Committee that, for any reason, it is necessary to improve the sanitary condition of the village or part of the village, the Committee may— [*Cf.* Ben. Act III of 1885, s. 116(*1*), (*2*) and (*3*).]

(*a*) cause huts or privies to be removed either wholly or in part;

(Part I.—Chapter III.—Powers and Duties of Village Committees.—Clauses 30, 31.)

(*b*) cause private drains to be constructed, altered or removed;

(*c*) cause streets, passages and public drains to be constructed or widened;

(*d*) cause tanks or low lands to be filled up or deepened; and

(*e*) cause such other improvements to be made as in its opinion are necessary to improve the condition of such village or part.

(*2*) The Village Committee may, by written notice,—

(*i*) require the owner or occupier of any hut, or the owner of any privy, to remove such hut or privy, either wholly or in part, in pursuance of clause (*a*) of sub-section (*1*); or

(*ii*) require the owner or occupier of any building to construct private drains therefor, or to alter or remove private drains thereof, in pursuance of clause (*b*) of sub-section (*1*), within a period to be specified in the notice.

(*3*) If any work required by any such notice is not executed within the period specified in the notice, the Village Committee may itself cause such work to be carried out, and may recover the cost of such work from the owner or occupier of the building or privy as if it were an arrear of rate imposed under section 38.

Power of Village Committee as to cleansing of villages.

30. (*1*) The Village Committee may employ a special establishment for the cleansing of the village or any part of the village. [*cf.* Ben. Act III of 1885, s. 117.]

(*2*) Where no establishment is maintained, the Village Committee may, by written notice, require owners or occupiers of land in the village to cleanse their holdings to the satisfaction of the Committee within a period to be specified in the notice.

(*3*) If any person on whom notice has been served under sub-section (*2*) fails to comply with the requisition contained in the notice, the Village Committee shall, unless reasonable cause to the contrary is shown,

(*a*) cause his holding to be cleansed, and

(*b*) recover from such person such portion of the costs of such cleansing as may be approved by the Circle Officer, as if it were an arrear of rate imposed under section 38.

Power of Village Committee to control erection of new buildings.

31. (*1*) The Village Committee may, subject to rules made in this behalf under section 111, by written order,— [*cf.* Ben. Act III of 1885, s. 118.]

(*a*) direct, in accordance with a scheme approved by the Circle Board, that no building which it is proposed to erect in such village, and no addition to any existing building therein, shall be placed in advance of an alignment to be prescribed by the Village Committee and demarcated on the ground; and

(Part I.—Chapter III.—Powers and Duties of Village Committees.—Clause 32.)

(*b*) prescribe, in accordance with the said scheme, the space which shall intervene between any new or enlarged building and the building next adjacent and between any new or enlarged building and any road in the village.

(*2*) Where any building, or any addition thereto, has been placed in contravention of an order passed by the Village Committee under sub-section (*1*), the Village Committee may apply to the District Magistrate, and such Magistrate may make an order—

(*i*) directing that the work done, or so much of the same as has been executed in contravention of the order passed under sub-section (*1*), be demolished by the owner of the building or altered by him to the satisfaction of the Village Committee, as the case may be, within such time as may be fixed by the District Magistrate ; or

(*ii*) directing that the work done, or so much of the same as has been executed in contravention of the order passed under sub-section (*1*), be demolished or altered by the Village Committee at the expense of the owner within such time as may be fixed by the District Magistrate :

Provided that the Magistrate shall not make any such order without giving the owner and occupier full opportunity of adducing evidence and of being heard in defence.

(*3*) If any person to whom a direction to demolish or alter any building is given under clause (*i*) of sub-section (*2*), fails to obey the same, he shall be liable to a fine which may extend, in the case of a masonry building, to one hundred rupees, and, in the case of any other building, to twenty rupees, and to a further fine which may extend, in the case of a masonry building, to ten rupees, and in the case of any other building, to two rupees for each day during which, after the period fixed by the District Magistrate, he fails to obey the direction to demolish or alter the building.

Power of Village Committee to provide for proper water-supply.

32. (*1*) A Village Committee may provide the village, or any part thereof, with a supply of water, proper and sufficient, for public and private purposes ; and, for such purposes, may—

(*a*) construct, repair and maintain tanks or wells, and clear out streams or water-courses ;

(*b*) purchase or acquire by lease any tank, well, stream or water-course, or any right to take or convey water within or without the village ;

(*c*) with the consent of the owner thereof, utilize, cleanse or repair any tank, well, stream or water-course within the village, or provide facilities for obtaining water therefrom ;

(Part I.—Chapter III.—Powers and Duties of Village Committees.—Clause 33.)

(*d*) deal with any tank, well, pool, ditch, drain or place containing, or used for the collection of any drainage, filth, stagnant water or matter likely to be prejudicial to health by draining or cleansing it, or otherwise preventing it from being prejudicial to health, but not so as in any case to interfere with any private right;

(*e*) contract with any person for a supply of water; or

(*f*) do any other acts necessary for carrying out the purposes of this section.

(*2*) When a Village Committee has under clause (*c*) cleansed or repaired or provided facilities for obtaining water from any tank, well, stream or water-course, the same, if the water thereof is fit for drinking or culinary purposes, shall be set apart for those purposes, subject to any rights retained by the owner, with the concurrence of the Committee, and shall be kept open to access by the public.

(*3*) Any tank, well, stream or water-course which a Village Committee may construct, repair or maintain under clause (*a*), or purchase or acquire by lease under clause (*b*), shall remain under the control and administration of the Village Committee; and the Committee may, by order duly published in the village or part of the village in which such tank, well, stream or water-course is situated, set apart the same, or, subject to the consent of the owner in accordance with the provisions of clause (*c*), any other tank, well, stream or water-course within the village, for the supply of water for drinking or culinary purposes.

(*4*) Any person who voluntarily corrupts or fouls the water of a tank, well, stream or water-course, which is set apart under sub-section (*2*) or sub-section (*3*) for the supply of water for drinking or culinary purposes, shall be punished with fine which may extend to twenty-five rupees.

Village-roads and bridges to be under the control of Village Committee.

33. The Village Committee shall have control of all village-roads and bridges thereon, which are not under the control of the District Board, and may do all things that are necessary for the maintenance and repair of such roads and bridges, and may— [*Cf.* Ben. Act III of 1885, ss. 108 and 109.]

(*a*) lay out and make new village-roads;

(*b*) build and construct new bridges;

(*c*) turn, divert, discontinue or stop up any village-road or bridge thereon;

(*d*) widen, open, enlarge and otherwise improve any such road or bridge thereon; and

(*e*) provide for the lighting of any road within the village.

(Part I.—Chapter III.—Powers and Duties of Village Committees.—Chapter IV.—Village Fund.—Clauses 34—38.)

Establishment of primary schools and dispensaries.

34. The Village Committee may, subject to any rules made in this behalf under section 111, establish primary schools or dispensaries, or assume charge of existing schools or dispensaries, and shall repair, maintain and manage any school or dispensary under its charge.

Further duties of Village Committees.

35. The District Board may, from time to time, with the consent of the Village Committee, make over to a Village Committee, subject to such conditions as they may deem necessary, the management of any institution or the execution of any work or duty within the area over which the Village Committee has control; and thereupon such Village Committee shall do all things necessary for the management of the institution or the execution of the work or duty:

Provided that the funds necessary for the management of the institution and the execution of the work or duty shall be placed by the District Board at the disposal of the Village Committee.

Power of entry.

36. The Village Committee, or any member, officer or servant thereof, may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or execute any work for the purposes of, or in pursuance of, clause (*l*) of section 22 or section 29, 30, 31, 32, 33, 34 or 35: [*Cf.* Ben. Act III of 1885, s. 118B.]

Provided as follows:—

(*a*) no such entry shall be made between sunset and sunrise;

(*b*) no dwelling-house shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours' previous written notice of the intention to make such entry; and

(*c*) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

Appointment of Secretary to Village Committee.

37. A Village Committee may appoint a Secretary to assist it in carrying out its duties under this Act, and may pay him such salary as the Committee may consider proper.

CHAPTER IV.

VILLAGE FUND.

Imposition of rate.

38. The Village Committee shall impose yearly on the owners of buildings, tanks, wells, or water-courses, or the occupiers of buildings within the village, a rate equal to— [*Cf.* Ben. Act VI of 1870, ss. 13 and 14; Ben. Act III of 1885, s. 118C (*1*).]

(*a*) the amount required, after deduction of the contribution, if any, made by the Local Government, in this behalf, for the salaries and equipment of the Dafadars, Chaukidars and the salary of the Secretary (if any), and

(Part I.—Chapter IV.—Village Fund.—Clauses 39—43.)

(*b*) in pursuance of a resolution passed by a majority of not less than two-thirds of the members of the Village Committee at a meeting specially convened for the purpose, the amount estimated to be required to meet the expenses of the Committee in providing for the sanitation, conservancy, drainage and water-supply of the village, for the establishment, repair, maintenance or management of primary schools and dispensaries, for any other local works likely to promote the health, comfort and convenience of the public and not otherwise provided for in this Act, and generally for carrying out the other purposes of this Act,

together with ten *per cent.* above such amount, to meet the expenses of collection and the losses due to non-realization of the rate from defaulters.

Nature of assessment.

39. (*1*) The rate to be imposed by a Village Committee under section 38 shall be an assessment according to the circumstances and the property within the village of the persons liable to the same. [*Cf.* Ben. Act VI of 1870, s. 15.]

(*2*) Any person who, in the opinion of the Village Committee, is too poor to pay half an anna a month, shall be altogether exempted from payment of any rate under this Act.

Procedure of assessment and revision thereof by the Village Committee.

40. The assessment for the imposition of the rate under section 38 shall be made in accordance with rules prescribed in this behalf under section 111, and any person dissatisfied with the amount at which he has been assessed may, within such time as may be specified in those rules, apply to the Village Committee, either orally or in writing, for a revision of the assessment, and the Village Committee may amend the assessment or confirm the same. [*Cf.* Ben. Act VI of 1870, s. 19.]

Power of District Magistrate to revise assessment list.

41. The District Magistrate may, at any time, call for the lists of any village containing the assessment of the village rate imposed under section 38, and may pass such orders on the lists so called for as he may think proper. [*Cf.* Ben. Act VI of 1870, s. 20.]

Arrears to be recovered by distraint and sale of moveable property of defaulters.

42. The payment of the rate shall be made in accordance with rules prescribed in this behalf under section 111, and, in case of default of any such payment, the President of the Village Committee, or, if so directed by him, the Secretary, shall cause the Chaukidar or any other person authorized in writing by the President or the Secretary to levy, by the distraint and sale of a sufficient portion of the moveable property of the defaulters, the amount of their respective arrears, together with sums equal to such arrears, respectively, by way of penalty. [*Cf.* Ben. Act VI of 1870, s. 27.]

What property may be distrained and sold for arrears.

43. (*1*) The distraint and sale of such moveable property shall be conducted in accordance with rules prescribed in this behalf under section 111.

(*2*) All goods and chattels, except plough-cattle and tools and implements of trade and agriculture, found in or upon any building or land occupied by any defaulter, shall be deemed to be his property, and shall be liable to be distrained and sold for the recovery of the arrear. [*Cf.* Ben. Act VI of 1870, s. 32.]

(Part I.—Chapter IV.—Village Fund.—Clauses 44—47.)

(3) If any of the goods and chattels distrained belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner of such goods and chattels for any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress or any sale under the same.

Sale of property beyond limits of the village.

44. If no sufficient moveable property belonging to a defaulter, or being upon the premises in respect of which he is assessed or rated, can be found within the village, the District Magistrate may, on the application of the Village Committee, issue his warrant to any officer of his Court for the distress and sale of any moveable property or effects belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any moveable property belonging to the defaulter within the jurisdiction of any other Magistrate exercising jurisdiction within Bengal; and such other Magistrate shall endorse the warrant so issued, and cause it to be executed, and the amount, if levied, to be remitted to the Magistrate issuing the warrant, who shall remit the same to the Village Committee. [*Cf.* Ben. Act III of 1884, s. 127.]

Irregularities not to avoid distraint.

45. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser on account of any defect, irregularity or want of form in any list, assessment, notice, summons, power, writing, inventory or other proceeding relating thereto, nor shall such person be deemed a trespasser from the commencement on account of any irregularity afterwards committed by him, but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them, in any Court of competent jurisdiction, subject to the provisions of section 72. [*Cf.* Ben. Act VI of 1870, s. 34.]

Grants-in-aid from District Fund.

46. The District Board may make to the Village Committee such grants-in-aid from the District Fund as they may think fit, to enable the Village Committee—

(*i*) to improve the sanitation, water-supply and communications, or

(*ii*) to further primary education, or

(*iii*) for any other local work likely to promote the health, comfort and convenience of the public,

within the area over which the Village Committee has control, and may attach to such grants any conditions that may appear to the District Board to be desirable.

Village Fund.

47. (*1*) All sums realized under section 42 and, subject to the provisions of section 28, all sums realized as fines or costs under this Act, and all other receipts of the Village Committee, Village Bench, or Village Court, shall be paid into a fund to be called "the Village Fund," the accounts of which shall be kept in accordance with rules prescribed in this behalf under section 111.

(Part I.—Chapter IV.—Village Fund.—Chapter V.—Circle Boards.—Clauses 48, 49.)

(2) Except as is otherwise provided in this Act, and subject to such restrictions as the Local Government may from time to time prescribe, the expenses incurred by the Village Committee, the Village Bench or the Village Court in carrying out the purposes of this Act, including such reasonable compensation as the Committee may think fit to pay to owners and occupiers of huts or privies removed under section 29, shall be paid out of the Village Fund : [*Cf.* Ben. Act III of 1885, s. 116 (4).]

Provided that the salary of the Secretary to the Village Committee and the salaries and cost of equipment of Dafadars and Chaukidars shall be the first charge upon the Village Fund :

Provided also that all sums made over by the District Board to a Village Committee for any specific purpose shall be applied solely to that purpose.

Local Government may advance money in cases of default of payment of salary to Secretary, etc.

48. If at any time the salary of the Secretary to the Village Committee, or any of the salaries or any portion of the cost of equipment of Dafadars and Chaukidars, is in arrear, and if the Local Government advance such sum of money as may be necessary to meet such charge, the Local Government may recover the money so advanced from the Village Committee by the process authorized by the Bengal Public Demands Recovery Act, 1913, for the recovery of arrears of public revenue. Ben. Act III of 1913.

CHAPTER V.

CIRCLE BOARDS.

Duties of Circle Boards.

49. (1) The Circle Board shall—

(*i*) advise and superintend the working of the Village Committees within the Circle ;

(*ii*) when it supersedes any Village Committee under section 61, exercise all the powers and perform all the duties conferred or imposed by or under this Act on the Village Committee ; and

(*iii*) subject to the direction, if any, of the District Board, make such distribution as the Circle Board thinks fit, among the Village Committees within the Circle, of the sums received from the District Board as a general grant-in-aid.

(2) The Circle Board may, at the request of the District Board, supervise the management of any institution and the execution of any work or the performance of any duty entrusted by the District Board to any Village Committee within the Circle.

(3) The Circle Board may undertake, at the request of the District Board and subject to its control,—

(*i*) the construction, maintenance and repair of any roads, including the bridges thereon, which fall within the boundaries of two or more villages within the Circle ; and

(*ii*) the performance of any other duty imposed on the District Board by the Bengal Local Self-Government Act of 1885. Ben. Act III of 1885.

(*Part I.—Chapter V.—Circle Boards.—Chapter VI.—General Provisions relating to Village Committees and Circle Boards.—Clauses 50-53.*)

Establishment.

50. The Circle Board may appoint a Secretary and such other establishment as may be necessary to assist it in carrying out its duties under this Act, and may pay them such salary as may be approved by the District Board.

Circle Fund.

51. (*1*) All receipts of the Circle Board shall be paid into a Fund to be called the "Circle Fund", the accounts of which shall be kept in accordance with rules prescribed in this behalf under section 111.

(*2*) Except as otherwise provided in this Act and subject to such restrictions as the Local Government may from time to time impose, the Circle Fund shall be applicable to the payment of the establishment employed and of the expenses incurred by the Circle Board in carrying out the purposes of this Act:

Provided that all the sums made over by the District Board to a Circle Board for any specific purpose shall be applied solely to that purpose.

CHAPTER VI.

GENERAL PROVISIONS RELATING TO VILLAGE COMMITTEES AND CIRCLE BOARDS.

Delegation.

Delegation of District Magistrate's powers and duties.

52. The District Magistrate may, by an order in writing, delegate the powers or duties specified in the first column of Schedule II to the officers mentioned in the second column thereof.

Disputes.

Disputes between Village Committees and Circle Boards.

53. (*1*) If a dispute arises between two or more Village Committees which are subordinate to the same Circle Board, the matter shall be referred to such Circle Board, and the decision of the Circle Board thereon shall be final and binding. [*Cf.* Ben. Act III of 1885, s. 133.]

(*2*) If a dispute arises between two or more Village Committees, which are within the same district but which are subordinate to different Circle Boards, the matter shall be referred to the Circle Boards and, if the Circle Boards cannot agree, to the District Board, and the decision of such Circle Boards or District Board, as the case may be, upon the matter so referred, shall be final and binding.

(*3*) If a dispute arises between a Village Committee, which is subordinate to a Circle Board, and another Circle Board in the same district, the matter shall be referred by the Village Committee to the Circle Board to which it is subordinate and, if the two Circle Boards cannot agree, the matter shall then be referred to the District Board, and the decision of the District Board thereon shall be final and binding.

(*4*) If a dispute arises between two or more Circle Boards within the area under the authority of a District Board, the matter shall be referred to the District Board, and the decision of such District Board thereon shall be final and binding. [*Cf.* Ben. Act III of 1885, s. 135.]

(Part I.—Chapter VI.—General Provisions relating to Village Committees and Circle Boards.—Clauses 54-59.)

Disputes between local authorities in the same district to be referred to the District Magistrate.

54. If a dispute arises between a municipal authority and a local authority or authorities within the same district, the matter shall be referred to the District Magistrate, and the decision of the District Magistrate upon the matter so referred shall be final and binding : [*Cf.* Ben. Act III of 1885, s. 136.]

Provided that, if the District Magistrate is a member of one of the local authorities concerned, his functions under this section shall be discharged by the Commissioner.

Decision of disputes not otherwise provided for.

55. (*1*) If any dispute, for the decision of which this Act does not otherwise provide, arises between a Village Committee or Circle Board and any other local or municipal authority, the matter shall be referred— [*Cf.* Ben. Act III of 1885, s. 137.]

(*a*) to the Commissioner or Commissioners of the Division or Divisions, if the local authorities concerned are in different districts ; and

(*b*) to the Governor in Council, if the local authorities concerned are in different Divisions and the Commissioners of those Divisions cannot agree.

(*2*) The decision of the Commissioner or Commissioners, or of the Governor in Council, as the case may be, upon the matter so referred shall be final and binding.

Control.

Powers of Commissioners and of District Magistrates with respect to proceedings of local authorities.

56. (*1*) It shall be the duty of all Commissioners and District Magistrates to see that the proceedings of Village Committees and Circle Boards are in conformity with law and with the rules in force thereunder. [*Cf.* Ben. Act III of 1885, s. 120.]

(*2*) The Commissioner may, by order in writing, annul any such proceeding which he considers not to be in conformity with law and with the said rules, and may do all things necessary to secure such conformity.

Records to be open for inspection.

57. Every Village Committee and Circle Board shall at all times permit the Commissioner, the District Magistrate, the Subdivisional Magistrate or the Circle Officer to have access to all its books, proceedings and records. [*Cf.* Ben. Act III of 1885, s. 121.]

Power to inspect works.

58. The Commissioner, the District Magistrate, the Subdivisional Magistrate or the Circle Officer shall have power at all times to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by, or any work in progress under the orders of, or any institution controlled by a Village Committee or Circle Board. [*Cf.* Ben. Act III of 1885, s. 122.]

Controlling authority.

59. For the purposes of sections 60 and 61, the District Magistrate shall be the controlling authority over Village Committees and the Commissioner shall be the controlling authority over Circle Boards.

(Part I.—Chapter VI.—General Provisions relating to Village Committees and Circle Boards.—Clauses 60-62.)

Power to provide for the performance of duties in case of default by Village Committee.

60. (*1*) When the controlling authority is informed, on complaint made or otherwise, that a Village Committee or Circle Board has made default in performing any duty imposed on it by or under this Act, he may, by an order in writing, if satisfied, after such inquiry as he may consider necessary, that such Village Committee or Circle Board has made default as alleged, fix a period for the performance of that duty. [*Cf.* Ben. Act III of 1885, s. 125.]

(*2*) If that duty is not performed within the period fixed under sub-section (*1*), the controlling authority may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Village Committee or the Circle Board, as the case may be.

(*3*) If the expense and remuneration directed to be paid under sub-section (*2*) are not paid, the controlling authority may make an order directing the person having the custody of the balance of the Village or Circle Fund to pay the said sum or as much thereof as is possible from that balance; and such person shall make payment accordingly.

Power to supersede Village Committee or Circle Board in case of incompetency or wilful neglect of duty.

61. (*1*) If a Village Committee or Circle Board is not competent to perform, or persistently makes default in the performance of the duties imposed upon it by or under this or any other Act, or exceeds or abuses its powers, the controlling authority may, by order specifying the reason for so doing, direct that the Circle Board for the area in which the village is situated, or the District Board, under which such Circle Board has been constituted, shall supersede such Village Committee or Circle Board, as the case may be, for a period to be specified in the order. [*Cf.* Ben. Act III of 1885, s. 131.]

(*2*) Such order shall be published locally in such manner as may be provided by rules made under section 111.

Consequence of supersession.

62. (*1*) When a Village Committee or Circle Board is superseded under section 61— [*Cf.* Ben. Act III of 1885, s. 132.]

(*a*) all members constituting the Committee or Board shall, from the date of the issue of the order referred to in that section, vacate their offices as such members ;

(*b*) all the powers and duties of the Village Committee or Circle Board, as the case may be, shall, until such Committee or Board is re-constituted, be exercised and performed by the Circle Board or the District Board, as the case may be, and all property vested in the Village Committee or Circle Board shall, during the period of such supersession, be vested in the said Circle Board or District Board.

(*2*) On the expiration of the period of supersession specified in the order referred to in section 61, the Village Committee or Circle Board shall be re-established, by re-election or re-appointment in the manner provided in section 4 or section 8.

(Part I.—Chapter VI.—General Provisions relating to Village Committees and Circle Boards.—Clauses 63-66.)

Power to suspend action of Village Committee or Circle Board.

63. The District Magistrate, or the District Board, may, by an order in writing, suspend the execution of any order or resolution of a Village Committee or of a Circle Board within the jurisdiction of such Magistrate or District Board, or the doing of any act which is about to be done, or is being done, by such Village Committee or Circle Board, if in the opinion of the District Magistrate or the District Board the execution of the resolution or order, or the doing of the act, is likely to cause injury or annoyance to the public, or to any class or body of persons, or to lead to a breach of the peace. [*Cf.* Ben. Act III of 1885, s. 124.]

Extraordinary powers in case of emergency.

64. (*1*) In case of emergency the District Magistrate may provide for the execution of any work, or the doing of any act which a Village Committee or a Circle Board is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the Village Committee or the Circle Board, as the case may be. [*Cf.* Ben. Act III of 1885, s. 126.]

(*2*) If the expense and remuneration directed to be paid under sub-section (*1*) are not paid, the Magistrate may make an order directing the person having the custody of the balance of the Village Fund or the Circle Fund to pay the said sum, or as much thereof as is possible, from that balance; and such person shall make payment accordingly.

Order of Magistrate or District Board under section 63 or 64 to be reported to the Commissioner.

65. When the District Magistrate or the District Board makes any order under section 63, or the District Magistrate makes any order under section 64, the Magistrate or Board, as the case may be, shall forthwith submit to the Commissioner a copy of the order, with a statement of the reasons for making it and with any explanation which the Village Committee or Circle Board concerned may wish to offer, and the Commissioner may thereupon confirm, modify or rescind the order. [*Cf.* Ben. Act III of 1885, s. 127.]

By-laws.

Power of Circle Board to make by-laws.

66. (*1*) Every Circle Board may, with the approval of the District Board and subject to the control of the Local Government, make by-laws for carrying out all or any of the purposes of this Act [*Cf.* Ben. Act III of 1885, s. 139.]

(*2*) By-laws made under sub-section (*1*) shall have the force of law when confirmed by the Commissioner and published in such manner and at such time as the Local Government may direct.

(*3*) The power to make by-laws conferred by this section is subject to the condition of the by-laws being made after previous publication.

(*Part I.—Chapter VI.—General Provisions relating to Village Committees and Circle Boards.—Clauses 67-70.*)

Penalty for infringement of by-laws.

67. In making a by-law under section 66 a Circle Board may provide that a breach of the same shall be punished with a fine which may extend to twenty-five rupees, and in the case of a continuing breach with a further fine which may extend to five rupees for every day during which the breach is continued after the offender has been convicted of such breach. [*Cf.* Ben. Act III of 1885, s. 140.]

Miscellaneous.

Penalty on member, officer or servant being interested in contracts made with a local authority.

68. (*1*) If any member of a local authority, other than a member of a Village Committee acting with the sanction of the Circle Board, or if any officer or servant maintained by or employed under a local authority, has, directly or indirectly, any share or interest in any work done by order of the local authority of which he is a member, or by which he is maintained, or under which he is employed, or in any contract with or under such local authority, he shall be liable on conviction before a Criminal Court to a fine which may extend to five hundred rupees: [*Cf.* Ben. Act III of 1885, s. 144.]

Provided that the penalty herein prescribed shall not be deemed to apply by reason only of a person—

(*a*) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of, the local authority; or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the local authority may be inserted; or

(*c*) holding a debenture or being otherwise concerned in any loan raised by, or on behalf of, the local authority

(*2*) Nevertheless it shall not be lawful for a person having any share or interest, such as is described in clauses (*a*) and (*b*) of the proviso to sub-section (*1*), to act as a member of the local authority in any matter relating to a contract or agreement between the local authority and such company or the manager or publisher of such newspaper.

(*3*) Nothing in this section shall apply to the payment of fees to a legal practitioner for services rendered by him in his professional capacity.

Power to make compensation out of the Village or Circle Fund.

69. Every Village Committee or Circle Board may make compensation out of the Village Fund or the Circle Fund, respectively, to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act. [*Cf.* Ben. Act III of 1885, s. 145.]

Liability of members.

70. (*1*) No person shall be liable for the loss, waste or misapplication of any money or other property belonging to the Village Committee or Circle Board, unless such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a Village Committee or Circle Board. [*Cf.* Ben. Act III of 1885, s. 142.]

(Part I.—Chapter VI.—General Provisions relating to Village Committees and Circle Boards.—Clauses 71-73.)

(2) In case of such neglect or misconduct a suit for compensation for loss, waste or misapplication may be instituted against such person, in such Court as the Local Government may direct, by the District Board with the sanction of the Local Government or by the Secretary of State for India in Council.

Bar to suits.

71. No suit or other legal proceeding shall lie against a Village Committee or a Circle Board, or any member or officer thereof acting under the direction of such Committee or Board, in respect of anything lawfully and in good faith and with due care and attention done under this Act or any rule made hereunder. [*Cf.* Ben. Act V of 1911, s. 155, and Ben. Act VI of 1914, s. 27.]

No suit to be brought until one month's notice of cause of action.

72. (1) No suit or other legal proceeding shall be brought against the members of any Village Committee or Circle Board or any of their officers, or any person acting under their direction, for anything done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of such Committee or Board, and also (if the suit is intended to be brought against any member or officer of the said Committee or Board, or any person acting under their direction) at the place of abode of the person against whom such suit is intended to be brought, stating the cause of action and the name and place of abode of the person who intends to bring the suit; and unless such notice be proved, the Court shall find for the defendant. [*Cf.* Ben Act III of 1885, s. 146.]

(2) Every such action shall be commenced within three months after the accrual of the cause of action, and not afterwards.

(3) If any such person to whom a notice under sub-section (1) is given shall, before a suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

Abolition of Panchayats and Local Boards and Union Committees.

73. (1) When Village Committees and Circle Boards have been duly constituted in any district or part thereof, in accordance with the provisions of this Act, the Panchayats appointed under the Village Chaukidari Act, 1870, and the Union Committees and Local Boards established under the Bengal Local Self-Government Act of 1885, shall be *ipso facto* abolished in such district or part, and the enactments specified in Schedule III shall be deemed to be repealed or amended to the extent and in the manner mentioned in the fourth column thereof, in such district or part. Ben. Act VI of 1870. Ben. Act III of 1885.

(2) When the provisions of this Act are withdrawn from any district or part thereof, the provisions of sub-section (1) shall cease to operate and the enactments specified in Schedule III shall be deemed to be revived forthwith in such district or part from the date of the publication in the *Calcutta Gazette* of the notification of withdrawal.

(3) The Local Government may direct, by notification, that, from the date of the abolition of any Union Committee in accordance with sub-section (1), all [*Cf.* Ben Act III of 1885, s. 45, and Ben. Act V of

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 74-76.)

properties, funds or dues which are vested in or realizable by the said Union Committee, shall vest in or be realizable by, as the case may be, such local authority as may be specified in the notification.

PART II.

CHAPTER VII.

VILLAGE BENCHES AND VILLAGE COURTS.

Village Benches.

Constitution of Village Bench.

74. Whenever a Village Committee has been established, the Local Government may, by notification, appoint all or any of the members of the Committee to be a Village Bench for the trial of the offences specified in Schedule IV, and may at any time cancel any such notification.

Jurisdiction of Village Bench.

75. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Village Bench shall have jurisdiction concurrent with that of the Criminal Court, within the local limits of whose jurisdiction the village is situated, for the trial of all offences specified in Schedule IV, Part A, committed within the village, and the Village Bench may try any offence specified in Schedule IV, Part B, committed within the village, if the case is transferred to the Bench by a District Magistrate or Subdivisional Magistrate: Act V of 1898.

Provided as follows:—

(*a*) a Magistrate before whom a complaint of an offence cognisable by a Village Bench is brought may, unless sufficient reasons exist to the contrary, refer the complainant to the Village Bench;

(*b*) the District Magistrate or Subdivisional Magistrate may transfer any case from one Village Bench to another or to any other Court subordinate to him.

How case may be instituted.

76. A case before a Village Bench may be instituted by petition, made orally or in writing, to the President of the Bench or to a member of the Village Bench, empowered by the President with the approval of the District Magistrate to receive petitions. If the petition is made orally, the President, or the member aforesaid, shall record the name of the petitioner, the name of the person against whom the petition is brought and the nature of the offence charged against such person and such other particulars, if any, as may be prescribed by rules made under section 111, and shall direct the petitioner to appear before the Bench on a certain date.

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 77-80.)

Power of Bench to dismiss or to refuse to entertain petition.

77. (*1*) If upon the face of the petition, or on examining the petitioner, the Bench is of opinion that the petition is frivolous, vexatious or untrue, it shall dismiss the case by order in writing.

(*2*) If at any time it appears to the Bench—

(*a*) that it has no jurisdiction to try the case, or

(*b*) that the offence is one for which the sentence which the Bench is competent to pass would be inadequate, or

(*c*) that the case is one which should not be tried by the Village Bench,

it shall refer the petitioner to the proper Court.

Dismissal of case for default.

78. If in any case before a Village Bench the petitioner fails to appear on the day fixed, or if in the opinion of the Bench he shows negligence in prosecuting his case, the Bench may dismiss the case for default, and such order of dismissal shall operate as an acquittal.

Summons to accused to appear and answer.

79. (*1*) If the petition be not dismissed under section 77 or under section 78, the Village Bench shall, subject to the provisions of section 107, by summons or otherwise, require the accused to appear and answer the petition.

(*2*) If on the day fixed for the trial the accused fails to appear, the Bench may cause him to be produced before it.

(*3*) If the accused cannot be found, the Bench shall report the fact to the nearest Magistrate who may issue a warrant for the arrest of the accused and forward him on apprehension for trial to the Bench, or release him on bail to appear before it.

(*4*) When an accused is brought in custody before a Village Bench under sub-section (*3*) the Bench shall proceed to try him with the least possible delay, and until the trial is completed may detain him in custody in such place and in such manner as may be provided by rule made under section 111.

Bar to appeal from or revision of the order of Village Bench.

80. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, there shall be no appeal by a convicted person in any case tried by a Village Bench, nor shall any application in revision be entertained by any Court in respect of any order passed by such Bench: Act V of 1898.

Provided that the Subdivisional Magistrate, or the District Magistrate for any part of a district not under the charge of a Subdivisional Magistrate, may cancel any decision or order of a Village Bench and direct the restoration or retrial of any case by the same or any other Village Bench or by any other Court subordinate to him, if the Subdivisional Magistrate or District Magistrate, as the case may be, is satisfied that a serious failure of justice has occurred.

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 81-83.)

Power of Village Bench to impose fine or to award compensation.

81. (*1*) A Village Bench shall record its decision by order in writing, and may sentence any offender convicted by it to pay a fine not exceeding twenty-five rupees.

(*2*) If a Village Bench is satisfied that a complaint made before it or transferred to it for trial is vexatious or frivolous, the Bench may order the complainant to pay to the accused such compensation, not exceeding twenty-five rupees, as it thinks fit.

(*3*) A Village Bench, at the time of passing judgment under sub-section (*1*), or of making an order under sub-section (*2*), may sentence the person against whom the judgment or order is passed to imprisonment for a period not exceeding seven days in default of payment of fine or compensation and, if the same be not paid within ten days of the passing of the sentence, or within such further time, if any, as the Bench may allow, may cause him to be arrested and may commit him to the nearest jail to serve his sentence:

Provided that, notwithstanding anything contained in the Indian Penal Code,— Act XLV of 1860.

(*a*) the fine imposed or compensation awarded by a Village Bench shall not be realized from any person who has served his term of imprisonment under this section;

(*b*) the person serving his term of imprisonment shall be forthwith released, if the fine or compensation is paid before the expiry of the term of imprisonment:

Provided also that no woman shall be sentenced to imprisonment in default of payment of fine or compensation:

Provided also that the imprisonment in default of payment of compensation shall be simple.

Village Courts.

Constitution of Village Court.

82. Whenever a Village Committee has been established, the Local Government may, by notification, appoint all or any of the members of the Committee to be a Village Court for the trial of all or any of the classes of civil suits specified in section 83, and may at any time cancel any such notification.

Jurisdiction of Village Court.

83. Notwithstanding anything contained in the Bengal, Agra and Assam Civil Courts Act, 1887, the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908, and subject to the provisions of section 84 and section 85, the Village Court and the Court of the Munsif, within the local limits of whose jurisdiction the village is situated, shall have concurrent jurisdiction to try the following classes of suits, namely:— XII of 1887. IX of 1887. Act V of 1908. [U. P. Act III of 1892, s. 9.]

(*a*) suits for money due on contracts;

(*b*) suits for the recovery of moveable property or the value of such property: and

(*c*) suits for compensation for wrongfully taking or injuring moveable property,

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 84-86.)

when the value of the suit does not exceed twenty-five rupees; and

(*d*) suits of the kinds specified in clauses (*a*), (*b*) and (*c*), when the value of the suit exceeds twenty-five rupees but does not exceed two hundred rupees:

Provided that the Court of the Munsif, within the local limits of whose jurisdiction the village is situated,—

(*i*) on the application of either party to the suit, may withdraw any suit of the classes specified in clauses (*a*), (*b*) and (*c*), and

(*ii*) on the application of a defendant, shall withdraw any suit of the classes specified in clause (*d*),

from a Village Court for trial by itself.

Certain suits not to be tried by Village Court.

84. No suit shall lie in any Village Court— [U. P. Act III of 1892, s. 9, prov.]

(*1*) on a balance of partnership account,

(*2*) for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a will,

(*3*) by or against Government or public officers in their official capacity,

(*4*) by or against persons of unsound mind.

(*5*) for the assessment, enhancement, reduction, abatement, apportionment or recovery of rent of immoveable property, or

(*6*) by a mortgagee of immoveable property for the enforcement of the mortgage by foreclosure or sale of the property or otherwise, or by a mortgagor of immoveable property for the redemption of the mortgage.

Local limits of jurisdiction of Village Court.

85. (*1*) No suit other than a suit relating to immoveable property shall lie in any Village Court, unless all or any of the defendants reside within the village at the time of the institution of the suit.

(*2*) No suit relating to immoveable property shall lie in any Village Court, unless such property or any part thereof is situated within the village.

How suit may be instituted.

86. (*1*) A suit before a Village Court may be instituted before such Court, in such manner as may be provided by rule under section 111, by petition made orally or in writing. If the petition is made orally, the Court shall record the name of the petitioner and the name of the person against whom the petition is brought, and the nature of the claim put forward against such person and such other particulars, if any, as may be prescribed by rules made under section 111.

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 87-92.)

(2) The plaintiff on instituting his suit shall state the value of the claim.

Dismissal of suit.

87. (1) If at any time the Village Court is of opinion that the suit is barred by limitation, the Court shall dismiss the suit by order in writing.

(2) If at any time it appears to the Court that it has no jurisdiction to entertain the suit, the Court shall refer the petitioner to the proper Court.

Dismissal of suit for default.

88. If in any suit before a Village Court the petitioner fails to appear on the day fixed, or, if in the opinion of the Court, he shows negligence in prosecuting his suit, the Court may dismiss the suit for default:

Provided that a Village Court may restore a suit dismissed for default, if within thirty days from the date of such dismissal the plaintiff satisfies the Court that he was prevented by sufficient cause from appearing. [*Cf.* Mad. Act I of 1889, s. 32.]

Summons to defendant to appear and answer.

89. If on receiving the petition the Village Court is satisfied that the trial of the suit may be proceeded with, it shall, by summons or otherwise, require the defendant to appear and answer the suit.

Ex parte decision.

90. If the defendant fails to appear and the Village Court is satisfied that he has received notice of the date fixed for the hearing, the Court may decide the suit *ex parte*:

Provided that any defendant against whom a suit has been decided *ex parte* may, within thirty days from the date of executing any process for enforcement of the decision, apply to the Village Court to set aside the order; and the Court, if satisfied that the defendant did not receive due notice of the date of hearing, or was prevented from appearing by any sufficient cause, shall set aside the decision and shall appoint a day for proceeding with the suit. [*Cf.* Mad. Act I of 1889, s. 33.]

No order to be set aside without notice to opposite party.

91. No decision or order of a Village Court shall be set aside on application under section 88 or section 90 unless notice in writing has been served by the Village Court on the opposite party. [*Cf.* Mad. Act I of 1889, s. 34.]

Power of Village Court to determine necessary parties.

92. (1) The Village Court shall add as parties to a suit any persons whose presence as parties it considers necessary for a proper decision thereof, and shall enter the names of such parties in the register of suits, and the suit shall be tried as between the parties whose names are entered in the said register:

Provided that when any party is added, he shall be given an opportunity of appearing on notice given to him in accordance with rule made under section 111 before the trial of the suit is proceeded with.

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 93-99.)

(2) In all cases where a new party appears under the proviso to sub-section (1) during the trial of a suit, he may require that the trial shall begin *de novo*.

Certain suits not to be tried by Village Court.

93. No Village Court shall proceed with the trial of any suit in which the matter directly and substantially in dispute is pending for decision in the same Court or in any other Court in a previously instituted suit between the same parties, or between parties under whom they or any of them claim, or has been heard and finally decided in a suit between the same parties, or between parties under whom they or any of them claim. [*Cf.* Pun. Act VI of 1912, s. 6.]

Decision of Village Court.

94. When the parties or their agents have been heard and the evidence on both sides considered, the Village Court shall, by written order, make such decision as may seem just, equitable and according to good conscience, and the decision shall also have the effect of a decree. [*Cf.* Mad. Act I of 1889, s. 45.]

Instalments.

95. A Village Court in ordering the payment of a sum of money or the delivery of any moveable property may direct that the money be paid, or the moveable property be delivered, by instalments. [*Cf.* Pun. Act VI of 1912, s. 17.]

Decision of Village Court to be final.

96. The decision of a Village Court in every suit shall be final as between the parties to the suit:

Provided that the District Judge may, on the application of either party, cancel the order of the Village Court and direct a retrial of the suit by the same or any other Village Court or by any other Court subordinate to him if he is satisfied that there has been a serious failure of justice.

Death of parties.

97. If the plaintiff or defendant in any suit dies before the suit has been decided, the suit may be proceeded with at the instance of, or against, the heirs of the deceased plaintiff or defendant, as the case may be.

Application for withdrawal of suits from Village Courts or revision of the decision of such Courts.

98. Any party applying—

(1) to have a suit withdrawn from a Village Court under the proviso to section 83 for trial in the Court of the Munsif, within the local limits of whose jurisdiction the village is situated, or [*Cf.* Mad. Act I of 1889, s. 22.]

(2) under the proviso to section 96 for the retrial of a suit decided by a Village Court,

shall, before such application for withdrawal or retrial is entertained, pay to the Court to which such application is made, the amount of fees payable by the plaintiff under the Court-fees Act, 1870, in respect of such suit: [VII of 1870.

Provided that the Court may order the refund of the amount of fees paid under section 7 of the Court-fees Act, 1870, by any party in accordance with clause (2), if the Court grants the application for retrial of a suit by the same or any other Village Court.

Costs.

99. (1) In all suits tried by the Village Court the costs shall be one anna in the rupee on the amount of the claim.

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 100-103.)

(2) If the claim is decreed in full, the costs shall be realized from the judgment-debtor together with the amount decreed.

(3) If the amount is decreed in part, the costs shall be realized *pro rata* from the decree-holder and the judgment-debtor.

(4) If the suit is dismissed, the costs shall be realized from the plaintiff.

(5) All costs realized by the Village Court shall be credited to the Village Fund and shall not be paid to either party.

Disallowance of costs in certain cases.

100. If any suit is instituted in the Court of a Munsif which, in the opinion of the Munsif who tries the same (whose opinion shall be final), ought to have been instituted in the Village Court, no costs shall be allowed to a successful plaintiff, and a successful defendant shall be allowed his costs as between pleader and client.

Village Court to declare value of claim in certain cases.

101. When the claim in any suit before a Village Court is not for a specified sum, the Village Court shall declare the value of the claim both for determining the question of jurisdiction and also for the levy of costs.

Execution of decree.

102. (1) If the Village Court granting a decree is unable to effect satisfaction thereof, it shall grant the decree-holder a certificate to that effect. [*Cf.* Pun. Act VI of 1912, s. 22.]

(2) Any decree-holder wishing to excute a decree of a Village Court may apply to the Court of the Munsif within the local limits of whose jurisdiction the village is situated and shall present with his application a certified copy of the order of the Village Court; but no application for execution shall be entertained by the Munsif— [*Cf.* Pun. Act VI of 1912, s. 23.]

(*a*) unless the Village Court has certified that application for execution of the decree has been made to it in due time, but that it is unable to effect satisfaction of the decree, and

(*b*) unless the application is made after the expiry of three months from the date of the decree.

(3) In executing a decree of a Village Court a Munsif shall have the same powers and follow the same procedure as if he were executing a decree passed by himself, and the costs of execution shall be paid to the decree-holder. The costs in the suit shall be credited to Government.

General provisions relating to Village Benches and Village Courts.

Procedure in Village Benches and Village Courts.

103. (1) The provisions of—

(*a*) the Court-fees Act, 1870, VII of 1870.

(*b*) the Code of Criminal Procedure, 1898, excepting Chapter XXXIII, and Act V of 1898.

(*c*) the Code of Civil Procedure, 1908, Act V of 1908.

shall not apply to any trial, suit or proceeding before a Village Bench or a Village Court.

(2) The procedure to be followed by a Village Bench or a Village Court in any trial, suit or proceeding and in the enforcement of its decisions and orders, and in the method of forming a quorum shall, subject to the provisions of this Act, be in accordance w th rules prescribed in this behalf under section 111.

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 104, 105.)

Persons who are to preside over Village Bench or Village Court.

104. (*1*) The Village Bench and the Village Court shall be presided over by the President of the Village Committee, if he is a member of the Bench or Court.

(*2*) If the President of the Village Committee is absent from a sitting of the Village Bench or Court, or if he is not a member of the Bench or Court, the Bench or Court, as the case may be, shall be presided over by one of its members selected in accordance with rules prescribed in this behalf under section 111.

(*3*) In case of difference of opinion among the members of the Bench or Court the decision or order of the Bench or Court shall follow the opinion of the majority of the members present and voting.

(*4*) In case of an equality of votes, the person presiding over the Bench or Court shall have a second or casting vote.

Attendance of witnesses.

105. (*1*) Subject to such conditions and limitations as may be prescribed by rules made under section 111 and subject to the provisions of section 107, a Village Bench or a Village Court may, by summons or otherwise, send for any person to appear and give evidence or to produce or cause the production of any document: [*Cf.* Pun. Act VI of 1912, s. 16.]

Provided that no person who is exempt from personal appearance in Court under section 133, sub-section (*1*), of the Code of Civil Procedure, 1908, shall be required to appear in person before a Village Court. Act V of 1908.

(*2*) A Village Bench or a Village Court shall refuse to summon a witness or to enforce a summons already issued against a witness, where, in the opinion of the Bench or Court, the attendance of the witness cannot be procured without an amount of delay, expense, or inconvenience which, under the circumstances of the case, would be unreasonable.

(*3*) A Village Bench or Village Court shall not require any person living at a distance exceeding fifteen miles from the Bench or Court to give evidence, unless such sum of money as appears to the Bench or Court to be reasonable and sufficient to defray the travelling and other expenses of the person summoned in attending and returning from the Bench or Court and one day's attendance thereat, together with full and sufficient remuneration for the time spent in so doing, away from his ordinary occupations, be tendered to him when the summons is served.

(*4*) Every person, whom a Village Bench or a Village Court summons by written order to appear or give evidence, or to produce any document before it, shall be bound to obey such summons as if it were a summons issued by a regular Court under the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908, as the case may be, and in case of disobedience, shall be liable to the like penalties. [*Cf.* Pun. Act VI of 1912, s. 33.] Act V of 1898. Act V of 1908.

(*5*) A Village Bench may take cognizance of any offence under this section committed against its order

(Part II.—Chapter VII.—Village Benches and Village Courts.—Clauses 106—110.)

or against the order of the Village Court on application by a member of the Bench or Court and may try the case and, if the offence is proved, may convict the offender and sentence him to a fine not exceeding twenty-five rupees.

Appearance of parties before Village Bench or Village Court.

106. (*1*) The parties to cases triable by a Village Bench shall appear personally before such Bench :

Provided that the Village Bench, if it sees reason so to do, may dispense with the personal attendance of an accused and permit him to appear by agent.

(*2*) The parties to suits triable by a Village Court may appear by agent.

"Agent" in sub-sections (*1*) and (*2*) means a full-time servant or a partner or a relative of the party, whom the Village Bench or Village Court may admit as a fit person to represent a party, and who is authorized by general or special authority in writing to appear and plead for such party. [*cf.* U. P. Act III of 1892, s. 23 (*2*), (*3*).]

(*3*) Notwithstanding anything contained in the Legal Practitioners Act, 1879, legal practitioners shall not be permitted to practise before a Village Bench or Village Court. XVIII of 1879.

Appearance of woman and minor.

107. (*1*) No woman shall, against her will, be compelled to appear in person before a Village Bench or Village Court either as an accused, a defendant or a witness.

(*2*) A near relative of a woman or of a minor may appear on their behalf as a party to a suit.

Realization of fine, etc.

108. All fines imposed or compensation awarded by a Village Bench and all sums decreed and costs awarded by a Village Court may be realized by the Village Bench or Village Court in the same manner as an arrear of rate imposed under section 38.

Registers and records.

109. Every Village Bench and Village Court shall maintain a register of cases and a register of suits, respectively, and shall maintain such other registers and records and submit such returns as may be prescribed by rules made under section 111. [*cf.* Pun. Act VI of 1912, s. 8.]

Certain documents not to be charged with fees.

110. (*1*) The following documents shall not be chargeable with any fee :—

(*a*) petitions, applications, informations or processes in respect of any of the offences triable by a Village Bench, when presented, made or laid before the Village Bench, and

(*b*) petitions or processes in suits triable by a Village Court, when presented, made or laid before a Village Court.

(*2*) The Local Government may, by rules made in this behalf under section 111, prescribe the fees, if any, to be levied by the Village Bench or Village Court for copies of any document, and may determine the procedure for the furnishing of such copies.

(Part III.—Chapter VIII.—Miscellaneous.—Clause 111.)

PART III.

CHAPTER VIII.

MISCELLANEOUS

Rules.

Power of Local Government to make rules.

111. (*1*) The Local Government may from time to time make rules to carry out the purposes of this Act. [*Cf.* Ben Act III of 1885, s. 138]

(*2*) In particular, and without prejudice to the generality of the foregoing power, the Local Government may make rules—

(*a*) determining the manner and time of appointment or election of members of Village Committees and Circle Boards established under this Act, the qualifications and disqualifications of such members, the qualifications and disqualifications and registration of voters and candidates and the manner in which the votes shall be taken, and generally regulating all elections under this Act and determining the authority who shall decide disputes relating to such elections;

(*b*) fixing the time within which the elections of the President of a Village Committee and the Chairman of a Circle Board shall be held, the time within which the Vice-Chairman of a Circle Board shall be elected and the time within which elections to fill casual vacancies in such offices shall be held;

(*c*) regulating the powers of Village Committees and Circle Boards to transfer property;

(*d*) prescribing the powers to be exercised by the President of a Village Committee or by sub-committees or members thereof;

(*e*) regulating the conduct of meetings of Village Committees and the method of forming a quorum, and the appointment, leave, leave-allowances and punishment (including suspension and removal) of officers and servants of a Village Committee;

(*f*) regulating the powers of Village Committees and Circle Boards to contract and do other things necessary for the purposes of their constitution, and the mode of executing such contracts;

(*g*) prescribing the registers and records to be maintained and the returns to be submitted by Village Committees, Circle Boards, Village Benches and Village Courts;

(*h*) regulating the powers and duties of Village Committees in regard to the control to be exercised by them over Dafadars and Chaukidars within the village;

(*i*) prescribing the powers and duties of Dafadars, and fixing the time and manner of the payment by the Village Committee of

(Part III.—Chapter VIII.—Miscellaneous.—Clause 111.)

the salaries of Dafadars and Chaukidars, and the cost of their equipment;

(*j*) regulating the powers and duties of Village Committees in regard to sanitation, conservancy, drainage, buildings, roads, bridges and water-supply under sections 22, 29, 30, 31, 32, 33 and 36, and the powers and duties of Village Committees in regard to schools and dispensaries under section 34, and defining and prohibiting public nuisances within the village;

(*k*) for the making of an assessment by the Village Committee under section 40, for imposing the rate under section 38, and prescribing under section 42 the method and time of payment of such rate;

(*l*) for the conduct of the distraint and sale of moveable property of defaulters under section 43;

(*m*) prescribing the method in which the accounts of the Village Fund and of the Circle Fund shall be kept and audited, the financial safeguards to be maintained and the estimates to be submitted by Village Committees and Circle Boards, and providing for the appointment and payment of auditors of the accounts of Village Committees and Circle Boards;

(*n*) prescribing the manner in which orders under section 61 shall be published;

(*o*) prescribing the particulars of petitions under sections 76 and 86 which shall be entered in the registers of Village Benches and Village Courts;

(*p*) determining the manner in which the person to preside over a Village Bench or a Village Court, in the absence of the President of the Village Committee, or when the President of the Village Committee is not a member of the Bench or Court, shall be selected;

(*q*) regulating the procedure to be followed by a Village Bench or a Village Court in the institution, trial and disposal of criminal cases and civil suits, and prescribing the method of forming a quorum;

(*r*) regulating the issue, service or execution of summonses, warrants and other processes by Village Benches or Village Courts, the detention of persons apprehended under section 79 and the issue and service of notices by Village Committees;

(*s*) determining the procedure for the execution of decrees, orders and sentences of Village Courts and Village Benches;

(*t*) regulating the transfer by Village Benches or Village Courts of summonses, warrants and other processes to ordinary Courts for their service or execution by such Courts; and

(Part III.—Chapter VIII.—Miscellaneous.—Clauses 112-115.)

(*u*) prescribing the fees to be levied by Village Benches and Village Courts for copies of documents, and determining the procedure to be followed in furnishing such copies.

(*3*) The rules made under sub-section (*2*) shall be published in such manner as the Local Government may direct, and shall thereupon have the force of law.

(*4*) In making any rule under clause (*j*) of sub-section (*2*) the Local Government may provide that a breach of the same shall be punished with a fine which may extend to ten rupees.

(*5*) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

Member of Village Bench or Court not to try case or suit in which he is interested.

112. No member of a Village Bench or Village Court shall try any case or suit or other proceeding to or in which he is a party, or personally interested. [*Cf.* Act V of 1898, s. 556; U. P. Act III of 1892, s. 12.]

Members of Village Committee, etc., not to bid for or buy property sold.

113. No member of a Village Committee, Village Bench or Village Court, or other officer having any duty to perform in connection with any sale under this Act, shall directly or indirectly bid for or acquire any interest in any property sold at such sale. [*Cf.* Mad. Act I of 1889, s. 61.]

Prosecutions.

Prosecutions.

114. Prosecutions under this Act for breach of by-laws may be instituted by the Circle Board, or by any person authorized by it in this behalf: [*Cf.* Ben. Act III of 1885, s. 141.]

Membership not a bar to trial of cases.

115. A Judge or a Magistrate shall not be deemed to be a party to, or personally interested in, any case under this Act, within the meaning of section 556 of the Code of Criminal Procedure, 1898, merely because he is a member of the Village Committee or Circle Board. [*Cf.* Ben. Act III of 1885, s. 141.] Act V of 1898.

(Schedule I.—Offences to be reported by a Chaukidar.)

SCHEDULE I.

(*See* section 26.)

Offences to be reported by a Chaukidar.

Murder, culpable homicide, rape (when the offender is not the husband of the woman raped), dacoity, robbery, theft, mischief by fire, house-breaking, counterfeiting coins, causing grievous hurt, riot, administering stupefying drugs, kidnapping, and all attempts and preparations to commit, and abetments of, the said offences. [*Cf.* Ben. Act VI of 1870, Sch. B.]

(Schedule II.—Powers and duties which may be delegated by the District Magistrate.)

SCHEDULE II.

POWERS AND DUTIES WHICH MAY BE DELEGATED BY THE DISTRICT MAGISTRATE.

[*See* section 52.]

Powers or duties.	To whom may be delegated.
1	2
1. Appointment under section 14 of member in casual vacancy in a Village Committee	Subdivisional Magistrate.
2. Acceptance under sub-section (*1*) of section 15 of resignation of President of Village Committee ...	Ditto ditto.
3. Appointment under section 17 of a President of a Village Committee, or of a Chairman, or Vice-Chairman of a Circle Board, in default of election to fill a casual vacancy	Ditto ditto.
4. Appointment and dismissal of Dafadars and Chaukidars under section 24 ...	Subdivisional Magistrate, Superintendent of Police, or Circle Officer.
5. Fining of Dafadars and Chaukidars under section 25	Ditto ditto.
6. Requiring Chaukidar to supply local information under section 26 (*viii*)	Subdivisional Magistrate.
7. Control over District Chaukidari Reward Fund under section 28 ...	Subdivisional Magistrate, Superintendent of Police, or Circle Officer.
8. Calling for and revision of assessment lists under section 41 ...	Subdivisional Magistrate.
9. Issue of warrant under section 44 for distraint and sale of property of absentees for satisfaction of village rate ...	Ditto ditto.
10. Seeing that the proceedings of Village Committees and Circle Boards are in conformity with law under sub-section (*1*) of section 56	Ditto ditto.

(Schedule III.—Enactments repealed or amended.)

SCHEDULE III.

ENACTMENTS REPEALED OR AMENDED.

(*See* section 73.)

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1870	VI	The Village Chaukidari Act, 1870.	The whole except sections 1, 48 to 61 (Part II), 66 and 67, and Schedules C and D, shall be repealed.
1871	I	The Bengal Village Chaukidari Act, 1871.	The whole shall be repealed.
1885	III	The Bengal Local Self-Government Act of 1885.	1. In the definition of "local authority" in section 5, the words "Local Board" and the words "Union Committee or Joint Union Committee" shall be omitted, and after the words "under this Act" the words and figures "and, except in sections 80, 81, 120, 121, 122, 124, 126, 127, 129, 136, 137 and 144, includes any Village Committee or Circle Board constituted under the Bengal Village Self-Government Act, 1918" shall be inserted. 2. In the heading and sub-heading of Chapter I, Part I, the words "and Local Boards" shall be omitted. 3. In section 6, the second paragraph and the proviso thereto and, in the last paragraph, the words from "and a Local Board" to the words "by notification, direct", shall be omitted. 4. In section 7,— (*i*) the word "Circle" shall be substituted for the word "Local" wherever it occurs; (*ii*) the words and figures "under the provisions of the Bengal Village Self-Government Act, 1918" shall be inserted between the words "district" and "such", in the second paragraph; and (*iii*) for the words and figures "section 13 of this Act" in the second proviso to the second paragraph the words and figures "the Bengal Village Self-Government Act, 1918" shall be substituted. 5. Sections 8, 9, 11, 13, 14, 15, 25, 26, 36, 37 to 44 (Chapter II of Part I), 51, 56 to 58 (Chapter III of Part II), 101 to 103 (Chapter II of Part III), 104 to 119 (Chapter III of Part III), 130, 133, 135 and Schedule III of the Act shall be repealed. 6. In section 10, the words "or Local Board" shall be omitted. 7. In section 12, the words "or by three", in the two places where they occur, and the words "or one-third, as the case may be" shall be omitted.

(Schedule III.—Enactments repealed or amended.)

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1885	III—*contd.*	The Bengal Local Self-Government Act of 1885.—*contd.*	8. In section 17, the following words shall be omitted, namely :— (*i*) "or Local Board", (*ii*) "in the case of a member of a District Board", (*iii*) "and in the case of a member of a Local Board to the District Board", and (*iv*) "or District Board, respectively". 9. In sections 18 and 18A, the words "Local Board or Union Committee" shall be omitted. 10. In sections 19 and 19A, the words "or Local Board", wherever they occur, shall be omitted. 11. In section 21, the words "and Local Boards" shall be omitted. 12. In section 26A, the words "or Local Board" shall be omitted and the word "its" shall be substituted for the word "their". 13. In section 27, the following words shall be omitted, namely :— (*i*) "or Local Board", in the two places where they occur, (*ii*) "in the case of a Chairman of a District Board", (*iii*) "and in the case of a Chairman of a Local Board, to the Commissioner", and (*iv*) "or Commissioner," as the case may be". 14. In section 28, the words "or Local Board", in the two places where they occur, shall be omitted. 15. (*1*) In section 29, the following shall be omitted, namely :— (*i*) in sub-section (*2*),— (*a*) the words "a Chairman of a Local Board, or", (*b*) the words "or Local Board", (*c*) the words "Chairman or", and (*d*) the words "as the case may be"; (*ii*) in sub-section (*3*),— (*a*) the words "or Local Board", and (*b*) the words and brackets "(in the case of a District Board) or the Commissioner (in the case of a Local Board)" 16. In section 29A, sub-section (*1*), the words "or Local Board" and the words "or Chairman or Vice-Chairman of a Local Board" shall be omitted. 17. In section 29B, for the words "District or Local Board, as the case may be" the words "District Board" shall be substituted. 18. In section 31, in the first paragraph the words "or Local Board", and the whole of the last paragraph of that section, shall be omitted.

(Schedule III.—Enactments repealed or amended.)

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1885	III—*contd.*	The Bengal Local Self-Government Act of 1885.—*contd.*	19. In the first paragraph of section 32, the following shall be omitted, namely :— "and any Local Board, with the sanction of the District Board and of the Commissioner and subject to the control of the Lieutenant-Governor". 20. In section 53,— (*i*) in sub-clause (*d*) of clause *Fifthly*, for the words "to a Local Board or Union Committee under this Act", the following shall be substituted, namely :— "(*1*) to a Village Committee constituted under the Bengal Village Self-Government Act, 1918, for the purposes of that Act, or (*2*) to a Circle Board constituted under that Act— (*a*) for expenditure by itself, or (*b*) for distribution to Village Committees subordinate to it, for the purposes of that Act"; (*ii*) in sub-clause (*b*) of clause *Sixthly*, for the word "Local", in the two places where it occurs, the word "Circle" shall be substituted ; and (*iii*) in sub-clause (*c*) of the same clause, for the word "Local" the word "Circle" shall be substituted. 21. In section 62, after the words "under this Act" the words and figures "and subject to the provisions of the Bengal Village Self-Government Act, 1918", shall be inserted. 22. In section 73, the following words and figures shall be omitted, namely :— "but subject to the provisions of Chapter III of Part III thereof". 23. In section 89, after the words "for the purposes of this Act" the words and figures "and subject to the provisions of the Bengal Village Self-Government Act, 1918", shall be inserted. 24. In section 131, the words "or Local Board or Union Committee", in the two places where they occur, shall be omitted. 25. In section 132, the following shall be omitted, namely :— (*i*) in the first paragraph, the words "or Local Board or Union Committee", in the four places where they occur,

(Schedule III.—Enactments repealed or amended.)

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1885	III—*concld.*	The Bengal Local Self-Government Act of 1885—*concld.*	(*ii*) in the second paragraph, the words "or Committee", and (*iii*) the whole of the last paragraph. 26. In section 138,— (*a*) in the first paragraph, the words "or Local Board or Union Committee", shall be omitted; (*b*) in clauses (*a*), (*b*), (*e*) and (*r*) for the words "Boards and Committees" the words "District Boards" shall be substituted; (*c*) clauses (*q*) and (*q1*) shall be omitted; (*d*) in clause (*t*) for the words "Local Boards and Union Committees" the words "Circle Boards and Village Committees" shall be substituted; and (*e*) the whole of the last paragraph shall be omitted. 27. In the first paragraph of section 139, the words "or Local Board empowered in this behalf by the Lieutenant-Governor" shall be omitted. 28. In section 140, before the word "Board" the word "District" shall be inserted. 29. In the first paragraph of section 141, for the words "any Board" the words "the District Board" shall be substituted. 30. In section 142, the words "Local Board or Union Committee" and the words "Union Committee, Local Board, or" shall be omitted. 31. In the first paragraph of section 143, the words "or Local Board" shall be omitted. 32. In section 145, for the words "Every local authority" the words "The District Board", and for the words "the District or Union Funds respectively" the words "the District Fund" shall be substituted. 33. In section 146,— (*i*) in the first paragraph, the words "Local Board or Union Committee" and, in the two places where they occur, the words "or Committee" shall be omitted, and (*ii*) for the word "their", in the three places where it occurs, the word "its" shall be substituted.
1886	I	The Bengal Village Chaukidari (Amendment) Act, 1886.	The whole shall be repealed.
1892	I	The Bengal Village Chaukidari (Amendment) Act, 1892.	The whole shall be repealed.

(Schedule IV.—Offences triable by a Village Bench.)

SCHEDULE IV

OFFENCES TRIABLE BY A VILLAGE BENCH.

(*See* sections 74 and 75.)

PART A.

1. Offences under sections 20, 26 and 27 of the Cattle-trespass Act, 1871. I of 1871.

2. Offences under enactments, other than the Indian Penal Code, 1860, or any rules or by-laws made thereunder which are punishable with fine only up to a limit of twenty-five rupees. Act XLV of 1860.

3. Offences under section 34 of the Police Act, 1861. V of 1861.

4. Offences under the following sections of the Indian Penal Code, 1860, namely:—sections 160, 178, 179, 264, 265, 266, 269, 289, 290, 294, 323, 334, 341, 352, 358, 426, 447, 448 and 504; and when the value of the property in the opinion of the Village Bench is not over twenty rupees, sections 379 and 411. Act XLV of 1860.

PART B.

Offences under the following sections of the Indian Penal Code, 1860, namely:—sections 267, 283, 428, 430, 506 and 509; and when the value of the property in the opinion of the Magistrate is not over twenty rupees, sections 403 and 417.

STATEMENT OF OBJECTS AND REASONS.

The District Administration Committee appointed by the Government of Bengal in 1913 recommended a reorganization of the system of village self-government. They pointed out that the Union Committees established under the Local Self-Government Act of 1885 (Bengal Act III of 1885) had largely failed to secure an effective system of rural self-government, inasmuch as under the Act the District Board is the administrative unit and the Union Committee is merely a subordinate body exercising restricted powers and dependent mainly on the District Board for funds. They were further of opinion that the scope of the functions of Chaukidari Panchayats was too little related to the needs of the villages; and they came to the conclusion that their extended usefulness and improvement were most likely to be secured by amalgamating their functions with those of the Union Committees. They proposed that every district should be mapped out into village unions administered by union panchayats, which should deal not only with the village police, but also with village roads, water-supply and sanitation and which should also exercise judicial functions, both civil and criminal. They further proposed that the unions should be grouped in circles and that for each circle a Circle Board should be constituted, which should represent the unions within the circle and supervise the working of the Union Committees. The Circle Boards should, in their opinion, replace the existing Local Boards, the continuance of which would be incompatible with a general extension of Union Committees.

The object of the present Bill is to give effect, with certain modifications, to the scheme of reorganization proposed by the District Administration Committee.

It is proposed to build up a system of rural self-government based on village authorities vested with the powers and duties necessary for the management of communal village affairs, and entrusted with powers of self-taxation necessary for that purpose. The proposed village authority, which will be called the Village Committee, will exercise a general control over the dafadars and chaukidars of the village and will be vested with power to provide for village sanitation, conservancy and drainage, to deal with the erection of buildings, water-supply, village roads and bridges, and to manage primary schools and dispensaries. It is also proposed to give power to Government to confer jurisdiction in petty civil and criminal matters on all or any members of the Village Committees. The power reserved to Government to constitute Village Benches and Village Courts is permissive, and the ordinary courts will have concurrent jurisdiction. Appeals from the decisions of Village Benches and Village Courts will not be allowed, but in the case of criminal trials, the Subdivisional Magistrate, or the District Magistrate where there is no Subdivisional Magistrate, and in the case of civil suits the District Judge may order a retrial if there is a serious failure of justice. The number of members of the Village Committee is to vary from 6 to 9, not less than two-thirds of whom are to be elected, and the Chairman is to be elected. The principal funds administered by the Committees will consist, in addition to grants made by the District Boards, of a village rate, which will be devoted to the pay and equipment of the dafadars and chaukidars, and to the salary of a Secretary and also to the execution of public works. The assessment of the rate will be according to circumstances and property and will be subject to revision by the District Magistrate.

The Bill provides that the Village Committees shall be grouped in circles under Circle Boards. The Circle Board will consist of 15 members, of whom two-thirds will be elected and one-third appointed by the Commissioner. The Chairman will be elected by its members. The District Magistrate, however, may appoint the Chairman on the request of the members. The chief work of the Circle Board will consist in supervising the operations of Village Committees and co-ordinating their plans. It may further, at the request of the District Board, supervise the management of any institution and the execution of any work or the performance of any duty entrusted by the District Board to any Village Committee within its circle.

The Bill provides that the Commissioner and District Magistrate shall have power of control over the Circle Boards and Village Committees, respectively. They may exercise this power by providing for the performance of duties in which those bodies make default and may supersede them in case

of incompetency or wilful neglect of duty. The District Magistrate and the District Board are also authorized, by provisions similar to those contained in section 124 of the Bengal Local Self-Government Act of 1885, to suspend the execution of orders and resolutions, and the District Magistrate may, as in section 126 of that Act, in cases of emergency provide for the execution of works required for the public service or safety.

As the new organization of rural self-government will render the continuance of existing bodies unnecessary, Chaukidari Panchayats, Union Committees and Local Boards will be abolished in any district or part of a district in which Village Committees and Circle Boards are constituted.

Notes on Clauses.

Clause 1 restricts the operation of the proposed Act to such rural areas as may be notified from time to time by the Local Government, and provides that the Act shall be introduced into whole districts or parts of districts, subject to the exclusion of municipal areas, and the conditional exclusion of cantonment areas.

Clause 2 (8) introduces a definition of "year" based on the definition of "year" in section 6 *(19)* of the Bengal Municipal Act, 1884 (Bengal Act III of 1884). The local year varies in different parts of the Presidency and is adhered to in the mufassal in ordinary business transactions. It is necessary to recognize this in introducing a system which will have to be worked by villagers.

Clause 3 provides that the village unit shall be fixed by the Local Government according to local circumstances.

Clause 4.—The number of members of the Village Committee will be determined by Government in accordance with local conditions subject to a minimum of 6 and a maximum of 9. All the members of a Village Committee shall ordinarily be elected, but it is open to the Government to direct that in special cases a certain proportion of the members shall be nominated by the District Magistrate. Even in such cases at least two-thirds of the Village Committee will consist of elected members. Power has been taken to enable the District Magistrate to appoint members in cases where any village fails to elect the prescribed number of members.

Clause 5.—Sub-clause (1) prescribes the qualification of voters.

Sub-clause (2) allows any person who is of the full age of 21 years and resident within the village to be a candidate for election without being qualified to be a voter. This will enable persons, who, though poor, are respected by the villagers, to be elected as members of the Village Committee.

Clause 6 requires that the President of the Village Committee shall be elected. The District Magistrate will be empowered to select a President, if the Village Committee fails to elect a President in due time.

Clause 7 makes Circle Boards dependent on the existence of Village Committees, but is imperative when the latter exist.

Clause 8.—The number of members of a Circle Board is fixed at 15, of which 10 are to be elected. The electorate for a Circle Board is confined to members of the Village Committees within the area. Candidates, unless they are already members of Village Committees, must possess the qualifications of a village voter. Power is taken to enable the Commissioner to appoint in case the full number of elective members are not elected in due time.

Clause 9.—As in the case of Local Boards the Chairman of a Circle Board may either be elected by the Circle Board or he may be appointed by the District Magistrate on request.

Clause 10.—The same provisions as are contained in section 26 of the Bengal Local Self-Government Act of 1885 (Bengal Act III of 1885) will apply to the election or appointment of a Vice-Chairman of a Circle Board.

Clause 11 will prevent persons other than British subjects or subjects of any State in India from voting at elections for, or sitting as members of, Village Committees and Circle Boards. The Local Government with the approval of the Government of India, will be able to exclude any person from the scope of this clause.

Clause 12 follows the provisions of sections 18 and 18A of the Bengal Local Self-Government Act of 1885 in regard to the power to remove members. This power is to be exercised by the District Magistrate in the case of a Village Committee, and by the Commissioner in the case of a Circle Board.

Under *sub-clause* (*5*) a member may also be removed on the recommendation of the Village Committee or Circle Board if he is guilty of misconduct in the discharge of his duties or of any disgraceful conduct. This provision is based on section 19 of the Bengal Municipal Act, 1884.

Clause 13, sub-clause (*1*).—The term of office of a member of a Village Committee or Circle Board is fixed at three years from the date of his election or appointment, together with such further period as shall elapse before his successor can be chosen.

Sub-clause (*2*) provides that a member shall be eligible for re-election or re-appointment at the end of the term of his office if he is not disqualified for any of the reasons mentioned in *sub-clause* (*1*) *or* (*3*) *of clause 12.*

Clause 14 is based on the provisions of section 43 of the Bengal Local Self-Government Act of 1885. It provides for the filling of casual vacancies caused by the removal of members.

Clause 15 follows the provisions of sections 27 and 27A of the Bengal Local Self-Government Act of 1885. The President of a Village Committee is to notify his intention to resign to the District Magistrate, and the Chairman of a Circle Board to the Commissioner.

Clause 16 is based on section 28 of the Bengal Local Self-Government Act of 1885 and section 19 of the Bengal Municipal Act, 1884. The power of removal is to be exercised by the District Magistrate in the case of the President of a Village Committee and by the Commissioner in the case of the Chairman of a Circle Board.

Clause 17 is based on section 29 of the Bengal Local Self-Government Act of 1885.

Clause 18 is based on the provisions of section 29A of the Bengal Local Self-Government Act of 1885. As the appointed Chairman of a Circle Board is to hold office for one year, it is possible that cases will arise where his office will extend beyond the tenure of office of the Board at whose request he was appointed. Provision has been made in the *proviso to sub-clause* (*2*) to meet such a contingency.

Clauses 19 and 21 reproduce with verbal modifications sections 20 and 32, respectively, of the Bengal Local Self-Government Act of 1885.

Clause 20 is based on section 75 of the same Act.

Clause 22, sub-clause (*a*) confers on the Village Committee the powers of the Panchayat under section 41 of the Village Chaukidari Act, 1870 (Bengal Act VI of 1870).

Sub-clauses (*b*) *to* (*e*) give to the Village Committee the powers of a Union Committee under section 115 of the Bengal Local Self-Government Act of 1885, and *sub-clause* (*f*) gives to them the necessary general power to carry out the purposes of the Act. *Sub-clauses* (*2*) *and* (*3*) of this clause give to the Village Committee powers similar to those exercised by a Union Committee under sections 111 and 114 of the Bengal Local Self-Government Act of 1885.

Clause 23, sub-clause (*1*), is based on sections 11 and 12 of the Village Chaukidari Act, 1870, with the reservation that the views of the Village Committees must be considered in regard to the strength and cost of the establishment required.

Sub-clause (*2*) provides that the salaries and cost of equipment of Dafadars and Chaukidars shall be paid by the Village Committee.

Clause 24.—Dafadars will be appointed by the District Magistrate direct, and Chaukidars will be appointed by the District Magistrate on the nomination of the Village Committee, who will exercise the powers now vested in Panchayats under section 35 of the Village Chaukidari Act, 1870. The District Magistrate may dismiss a Dafadar or a Chaukidar, and the Village Committee may, with the sanction of the District Magistrate, dismiss a Chaukidar.

Clause 25 is based on the provisions of section 38 of the Village Chaukidari Act, 1870.

Clause 26, sub-clause (*1*), is based on section 39 of the Village Chaukidari Act, 1870, but is amplified to enable a Chaukidar to exercise the powers of a police-officer under section 54 (*1*) of the Code of Criminal Procedure, 1898.

Sub-clause (*2*) defines the powers of a Dafadar. His duties, which are largely supervisory, will be provided for by rules under *clause 111.*

Clause 27 is based on section 40 of the Village Chaukidari Act, 1870, but is restricted to arrests made under *clause 26.* This will prevent persons arrested under the directions of a Village Bench from being taken to the police-station.

Clause 28 follows section 42 of the Village Chaukidari Act, 1870.

Clause 29 confers on the Village Committee the same powers and duties as are given to Union Committees by sub-sections (*1*), (*2*) and (*3*) of section 116 of the Bengal Local Self-Government Act of 1885. *Sub-clause* (*3*) provides that the cost of work which the Committee is compelled to perform owing to default of an owner or occupier shall be recovered as if it were an arrear of rate imposed under *clause 38*.

Clause 30 follows section 117 of the Bengal Local Self-Government Act of 1885.

Clause 31 is based on section 118 of the Bengal Local Self-Government Act of 1885. In the case of Village Committees the Circle Board will discharge the duties imposed on the District Board by section 118 of that Act in the case of Union Committees.

Clause 32 is based on section 118A of the Bengal Local Self-Government Act of 1885, but power has been taken to provide a penalty for voluntarily corrupting or fouling water, which is set apart for drinking or culinary purposes.

Clause 33 is based on the provisions of sections 108 and 109 of the Bengal Local Self-Government Act of 1885. Power is also taken to provide for the lighting of roads within a village. This will be necessary in small trading centres.

Clause 34 confers power upon a Village Committee to establish primary schools and dispensaries or to assume charge of existing schools and dispensaries.

Clause 35 enables District Boards to make over to a Village Committee the management of any institution or the execution of any work within the area administered by the Committee. The funds necessary for the purpose will be provided by the District Board. Under section 101 of the Bengal Local Self-Government Act of 1885, the District Board can make over such work to Local Boards. In areas where Local Boards will be abolished it will be necessary to have an agency to take their place. Power has been taken by means of *item 20 of Schedule III* to enable the District Board to make grants for this and other cognate purposes out of the District Fund. *Clause 46* may also be compared.

Clause 36 is based on section 118B of the Bengal Local Self-Government Act of 1885.

Clause 37, while enabling a Village Committee to appoint a Secretary to assist it in carrying out the purposes of the Act, gives the Committee discretion in regard to the amount of his salary.

Clause 38.—For carrying out the purposes of this Act the Village Committee will impose the rate provided in this clause. *Sub-clause* (*a*) prescribes that the amount to be raised shall cover the pay and the cost of equipment of Dafadars and Chaukidars as well as the salary of the Secretary. The excess percentage has been reduced from the 15 *per cent.* provided in section 13 of the Village Chaukidari Act, 1870, to 10 *per cent.*, because it is contemplated that a paid Secretary will be employed instead of a collecting panchayat. The Village Committee will be given a free hand as to the incidence of taxation for this object within the limits imposed by *clause 39*, and subject to a power of revision of the assessment list by the District Magistrate under *clause 41*. *Sub-clause* (*b*) provides that the rate shall also include the amount required for the administration and improvement of the village. Subject to the conditions imposed in this sub-clause and in *clause 39* and the revisional powers of the District Magistrate under *clause 41*, there will be no limit to the rate, as it is intended that the villagers shall have liberty in self-taxation.

Clause 39.—This clause is based on section 15 of the Village Chaukidari Act, 1870. The assessment to be imposed under *clause 38* will be according to the circumstances and the property within the village of the persons liable to the same.

Clause 40.—The procedure for assessment will be determined by rules, but provision on the lines of section 19 of the Village Chaukidari Act, 1870, has been made for revision of assessment by the Village Committee in cases of hardship.

Clause 41 is based on section 20 of the Village Chaukidari Act, 1870.

Clause 42 provides that payment of the rate shall be made in accordance with rules made under *clause* 111. The latter half of the clause authorizes the Secretary to distrain and follows section 27 of the Village Chaukidari Act, 1870.

Clause 43, sub-clause (*1*), allows distraint and sale to be conducted

according to rules to be made under *clause 111*. *Sub-clauses (2) and (3)* embody section 32 of the Village Chaukidari Act, 1870.

Clause 44.—To enable arrears of the village rate to be realized from persons who have not sufficient moveable property within the village, power has been taken on the lines of section 127 of the Bengal Municipal Act, 1884, to sell a defaulter's property situated outside the village.

Clause 45 reproduces the provisions of section 34 of the Village Chaukidari Act, 1870.

Clause 46.—This clause should be read with *item 20 of Schedule III*.

Clause 47.—All receipts of the Village Committee and of the Village Bench and Village Court will be credited to the Village Fund.

The expenses of the Village Bench or Village Court and of the Village Committee as well as the compensation to be paid to owners and occupiers of huts or privies removed under *clause 29* will be paid out of the Fund.

The salary of the Secretary and the salaries and cost of equipment of Dafadars and Chaukidars are declared to be the first charge on the Fund.

Provision has also been made to prevent the diversion to other purposes of any money made over by the District Board for any specific purpose.

Clause 48.—This clause enables the Local Government to realize under the Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913), money advanced by them to defray the charges of watch and ward if the Village Committee makes default in payment.

Clause 49 declares the duties of Circle Boards, which will include supervision, and also the maintenance of communications in which several villages have a common interest and the performance of any duty entrusted to them by the District Board.

Clause 50 provides the necessary establishment, and a Circle Fund is established by *clause 51*.

Clause 52 provides by means of a schedule for the delegation of certain of the powers and duties of the District Magistrate under this Act.

Clauses 53, 54 and 55 provide for the decision of disputes on the same lines as sections 133, 135, 136 and 137 of the Bengal Local Self-Government Act of 1885.

Clauses 56, 57 and 58 follow sections 120, 121 and 122 of the Bengal Local Self-Government Act of 1885.

Clauses 60, 61 and 62 correspond to sections 125, 131 and 132 of the Bengal Local Self-Government Act of 1885. The power of control however is to be exercised in the case of a Village Committee by the District Magistrate and in the case of a Circle Board by the Commissioner (see *clause 59*).

Clauses 63, 64 and 65 apply the emergency provisions contained in sections 124, 126 and 127, respectively, of the Bengal Local Self-Government Act of 1885.

Clauses 66 and 67 apply the provisions of sections 139 and 140 of the Bengal Local Self-Government Act of 1885 to by-laws made by Circle Boards.

Clause 68 follows section 144 of the Bengal Local Self-Government Act of 1885, but makes an exception in favour of a member of a Village Committee acting with the sanction of the Circle Board, owing to the difficulty in outlying villages of obtaining suitable contractors to carry out local works.

Clauses 69 and 70 correspond to sections 145 and 142, respectively, of the Bengal Local Self-Government Act of 1885.

Clause 71 is based on section 155 of the Calcutta Improvement Act, 1911, and section 27 of the Bengal Medical Act, 1914. This clause is intended to prevent unnecessary harassment of local bodies or members thereof when they act in good faith and with due care and attention.

Clause 72 corresponds to section 146 of the Bengal Local Self-Government Act of 1885.

Clause 73 abolishes the Panchayats and the Union Committees and Local Boards in any district in which Village Committees and Circle Boards are constituted. This necessitates the modification of the existing Village Chaukidari Act and the Local Self-Government Act in those areas. The modifications are set out *in extenso* in Schedule III to the Bill.

Power has also been taken under this clause to revive these Acts in any area from which the proposed Act is withdrawn at any time.

Sub-clause (3) empowers the Local Government to dispose of properties vested in a Union Committee when it is abolished.

Clause 74 provides for the constitution of Village Benches in selected areas to try petty criminal cases.

Clause 75 provides that when cases of the kinds specified in *Part A of Schedule IV* occur in the village they may be tried by the Village Bench to which more serious cases of the kinds specified in *Part B* may also be transferred by the District or Subdivisional Magistrate. It will, however, be open to a complainant to institute the case in the ordinary Courts, if he is so disposed, but a Magistrate before whom a complaint triable by a Village Bench is brought may refer the complainant to the Village Bench [*Cf.* the Madras Village Courts Act Amendment Bill, 1917, cl. 17, proposed section 76 (7)]. The District and Subdivisional Magistrates will also have the power to transfer cases from the file of a Village Bench.

Clause 76 provides for the institution of cases before a Village Bench, and the recording of complaints made orally in the village.

Clause 77 provides for the summary dismissal of false and frivolous complaints, and for the refusal by the Bench to take cognizance of certain cases.

Clause 78 provides for the dismissal of complaints for default.

Clause 79 empowers the Bench to secure the attendance of the accused, who will not be arrested on warrant except by order of a Magistrate. If an accused, who has absconded, is forwarded in custody by the Magistrate, he will be detained in custody in the village till the Bench can be assembled to try the case. Cases of detention will be few as the Magistrate will ordinarily grant bail in petty cases.

Clause 80 provides that there shall be no appeal from an order of the Village Bench, but that the Subdivisional Magistrate or the District Magistrate where there is no Subdivisional Magistrate, shall have power to order retrial of the case either by an ordinary criminal court or by a Village Bench if there has been a serious failure of justice.

Clause 81.—The Village Bench may sentence an accused to a fine up to Rs. 25, and may order a complainant who has brought a frivolous or vexatious complaint to pay compensation to a like amount

As in the Code of Criminal Procedure, provision is made for imprisonment in default of payment of fine or compensation, but safeguards have been imposed to relieve the offender of further liability when justice has been sufficiently vindicated, and to exempt women from imprisonment.

Clause 82 empowers the Local Government to constitute Village Courts in selected local areas for the trial of all or any of the classes of civil suits specified in *clause 83*.

Clause 83 is subject to the provision of *clause 84* and provides, firstly, that certain classes of petty suits for money or for moveable property similar to those triable by Village Courts in the United Provinces under the United Provinces Act III of 1892, may be tried by Village Courts in Bengal, the Courts of the Munsif having concurrent jurisdiction. The limit of jurisdiction of Village Courts in Bengal in regard to such suits has been raised to Rs. 25, which is slightly more than the limit imposed in the United Provinces and Madras.

It will be open to either party to move the Munsif for the transfer to the ordinary courts of any suit specified in *sub-clauses (a), (b) and (c)*

Provision has also been made by *sub-clause (d)* that suits of the same classes but of a higher money value may also be instituted in the Village Court, if the plaintiff so desires, but that a defendant in such cases may claim a transfer to the ordinary civil court.

Clause 84 follows section 9 of the United Provinces Act III of 1892, but also excludes from the jurisdiction of the Village Court all kinds of suits in regard to rent, and suits for enforcement of a mortgage debt against the property mortgaged and also suits for the redemption of a mortgage.

Clause 85 defines the limits of the local jurisdiction of the Village Court in the interest of defendants.

Clause 86 provides for the institution of suits before Village Courts by a simple form of petition either oral or written.

Clause 87 provides for the dismissal of suits that are barred by limitation, and for the procedure to be adopted by Village Courts in refusing to entertain suits, which are outside their jurisdiction.

Clause 88 provides for the dismissal of suits for default, with power to the Village Court to restore a suit in cases of hardship, on the same lines as the power conferred by section 32 of Madras Act I of 1889.

Clause 89 enables the Village Court to call on the defendant to appear and answer

Clause 90 empowers the Village Court to decide the suit *ex parte* if the defendant fails to appear, and if it is proved that due notice was given to him of the date fixed. Provisions similar to those contained in section 33 of Madras Act I of 1889 have been inserted enabling the defendant to apply for restoration of the suit on showing good cause for his non-appearance.

Clause 91 follows section 34 of Madras Act I of 1889.

Clause 92 gives the Village Court power to add parties to the suit at any stage of the trial, subject to the provision that a party so added must receive due notice and may claim that the hearing of the suit be commenced *de novo*.

Clause 93 prescribes that the Village Court is not to proceed with the trial of any suit which is barred under the principles of *res judicata* or *lis pendens*. It follows section 6 of Punjab Act VI of 1912.

Clause 94, which is based on section 45 of Madras Act I of 1889, prescribes that the decision of the Court shall be such as may seem just, equitable and according to good conscience.

Clause 95 corresponds with section 17 of Punjab Act VI of 1912 and empowers the Court to allow the realization of money or any moveable property by instalments.

Clause 96 declares that the decision of a Village Court shall not be subject to appeal but enables either party to the suit to apply to the District Judge for an order for retrial if the District Judge is satisfied that there has been a serious failure of justice.

Clause 97 enables a suit to proceed when the plaintiff or defendant dies during the pendency of the suit.

Clause 98, which follows section 22 of Madras Act I of 1889, requires that if a party applies to have a suit withdrawn from a Village Court or to have it retried, he shall at the time of making the application pay into the Court the full amount of fees payable under the Court-fees Act, 1870. In case the Court orders retrial of the suit by the same or another Village Court, it may order a refund of the fees.

Clause 99.—This clause prescribes a simple scale for calculating the costs of a suit tried by a Village Court. In practice the expenses of a Village Court will not be large, but a small fee by way of costs must be realized from the parties to defray working expenses. Costs realized by the Village Court will not therefore be payable to the parties, but they will be credited to the Village Fund out of which the expenses of the Court will be met. The absence of court-fees will reduce the expenses of parties to a negligible amount in almost every case (*cf. clause 110*).

Clause 100 provides for the disallowance of costs if any suit is instituted in the Court of a Munsif, which in the opinion of the Munsif ought to have been instituted in the Village Court. It is based on clause 8 of the Madras Village Courts Act Amendment Bill, 1917.

Clause 101 empowers the Village Court to declare the value of a claim in a suit where the claim is not for a specified sum of money.

Clause 102 provides for the execution of a decree of a Village Court when that Court cannot grant satisfaction, and is based on sections 22 and 23 of Punjab Act VI of 1912. An application for execution of a Village Court decree by a Munsif will not be entertained unless a certificate is attached to the effect that application for execution has been made in due time to the Village Court, but that it has been unable to effect satisfaction. The costs of execution will be paid to the decree-holder in cases in which he will be put to expense in obtaining execution and the costs in the suit in such cases will be credited to Government instead of to the Village Fund. This will tend to discourage slackness by Village Courts in executing their own orders.

Clause 103.—The Court-fees Act, 1870, the Code of Criminal Procedure, 1898, excepting Chapter XXXIII, and the Code of Civil Procedure, 1908, will not apply to proceedings before a Village Bench or Village Court. Minor details of procedure will be provided for by simple rules made under *clause 111*. The execution of decrees in respect of immoveable property will also be provided for by rules under that clause.

Clause 104 provides that the President of the Village Committee if he is a member of the Village Bench or Court shall preside, and that the decision shall follow the opinion of the majority.

Clause 105.—Sub-clause (1) is based on section 16 of Punjab Act VI of 1912, but exempts from personal appearance persons who are already exempted under section 133 (*l*) of the Code of Civil Procedure, 1908.

Sub-clause (2) authorizes a Bench or Court to refuse to summon or to

enforce a summons issued against a witness whose attendance cannot be procured without unreasonable delay or expense, and *sub-clause (3)* provides that unless the expenses of a person living at a distance exceeding 15 miles from the Bench or Court house be paid in advance such person shall not be required to attend. These two provisions are intended to prevent the unnecessary summoning of persons living at a distance. The cases will be petty local cases which can be disposed of ordinarily on the evidence of the villagers.

Sub-clauses (4) and (5) provide penalties for disobedience to an order of the Village Bench or Village Court.

Clause 106 deals with the attendance of parties before a Village Bench or Village Court. Parties are ordinarily to plead their own causes, but in civil suits, and, with the permission of the Bench, in criminal cases they may appear by agent. The definition of "agent" is based on section 23 of the United Provinces Act III of 1892, but it has been made more restrictive in order to exclude the village tout.

Sub-clause (3) bars the appearance of legal practitioners before Village Benches and Village Courts.

Clause 107 deals with the representation of women and minors.

Clause 108 provides that all fines imposed and compensation awarded under the proposed Act shall be realized in the same manner as an arrear of rate imposed under the Act.

Clause 109 provides for the maintenance of registers of cases and suits by the Village Bench and Village Court and for such other records as they may be required to maintain by rules made by the Local Government.

Clause 110.—Owing to the levy of costs in a consolidated form under *clause 99* it is unnecessary to charge separate fees on documents or for the service of processes. The Local Government will, however, prescribe fees for the supply of copies of documents by a Village Bench or Village Court.

Clause 111.—The rule-making clause is based on section 138 of the Bengal Local Self-Government Act of 1885 and brings together the rule-making powers referred to in the various clauses of the Bill. The rules to be made under this clause are to be made subject to the condition of previous publication.

Clause 112 is intended to prevent a member of a Village Bench or Court from trying any case or suit in which he is personally interested.

Clause 113, which is based on section 61 of Madras Act I of 1889, is intended to prevent members of Village Committees, etc., from bidding for or buying property sold under the provisions of the proposed Act.

Clauses 114 and 115 correspond to section 141 of the Bengal Local Self-Government Act of 1885.

Schedule III repeals in areas in which the proposed Act is in force those provisions of the Chaukidari Acts which have been superseded by the Act or which are reproduced in it.

It also provides in detail for the abolition of Local Boards and Union Committees in areas in which the Act is in force, and transfers the ordinary duties of the Local Board to a Circle Board.

Under *item 4* of the Schedule the Circle Board takes the place of the Local Board as the electoral unit for membership of the District Board.

Provision is made under *item 20* to enable the District Board to grant subventions to Circle Boards and Village Committees out of the District Fund.

S. P. SINHA,
Member in charge.

A. M. HUTCHISON,
Secretary to the Govt. of Bengal and
Secretary to the Bengal Legislative Council (Offg.).

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The Irrigation Bill has just been approved in connection with its publication and introduction in the Legislature. A copy of the Bill shall be available after publication hours

Sec
21/5/23 (Rec. Br with Compts)
AAG 21/5/23
Sec 60
Sec 5.5.23

Cer 6/5

Please keep up with a copy of the bill

Sec 8/5

If agreeable that the Bill be published a fortnight hence for publication

Sec 21/5

To the protection Br. for kindly putting up a copy of the Irrigation Bill referred to above if it has since been published

Sec 16/6 16.6.23

The Bill has not yet been published. The question of publication is under consideration

Sec 16/6

Subj for perusal of the note by the Protection Branch. May the publication of the bill be awaited?

Sec 18.6.23

Yes; I believe, it will be placed before the R.A. next week

Sec 19/6/23

To Protn Branch for kindly noting whether the Bill was placed before the R.A & if so, what action is proposed to be taken in the matter.

Sec 4.7.23

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The file was not placed before the R. A. H. has to the ~~be removed~~ Secretariat & published & then placed before R. A.

Sec
4/7/23.

Put up for perusal of the above note.

Ben
4.7.23

The file will, if approved, be referred to the Protection Branch for consideration in connection with the Irrigation Bill.

Rev Secy) Sec 4/7/23

4/7/23

Protection Branch) Sec 5/7/23

The file will, if approved be linked to the main file.

Sec
7/7/23

yes
CWR
7.7

Sec 7/7

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

C. No 3343/L.R.22-2-3 Bangalore.....17th....April.....1923.....

FROM

K. CHANDY, Esq., B.A.,
Revenue Commissioner in Mysore

30 APR 1923

To

The *Secretary to the Government of*
His Highness the Maharaja of Mysore,
Revenue *Department*

SIR,

With reference to your official memorandum No.R.4478/L.R. 4-22-8 dated 7th April 1923 forwarding for disposal petitions from the ryots of Yelandur Taluk, requesting that the tank bunds and channels may be repaired so as to hold sufficient quantity of water for wet cultivation, I have the honor to state that under Government Order No. 6669-6728/P.P. 53-20-5 dated 28th April 1922 the Revenue Department appears to have no powers regarding irrigation works in the Jaghir and to suggest that the general question regarding the maintenance of irrigation works in inam villages and jaghirs may perhaps be considered in connection with the Irrigation Bill before Government.

2. The petitions are returned herewith for reference.

I have the honor to be,
Sir,
Your most obedient servant
Revenue Commissioner.

R. C. 4.

FROM

The *Revenue Commissioner in Mysore.*

To

The Secretary to the Government of
H H. the Maharaja of Mysore.
Revenue *Department.*

Dated 17th April 1923.

Despatched

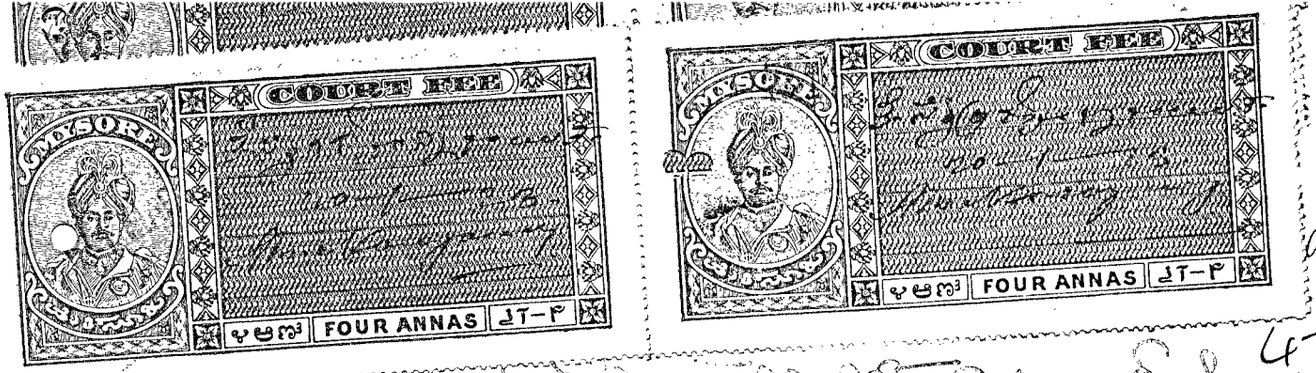
Received

General No.

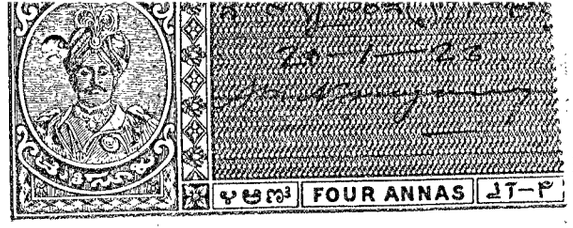
Enclosure No.

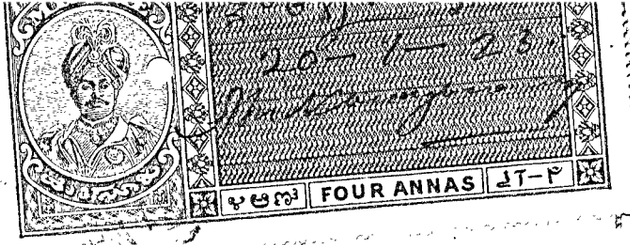
SUBJECT.

Re: the prayer of the ryots of Yelandur Taluk for repairs to certain tanks bunds and channels.


COURT FEE
MYSORE
FOUR ANNAS

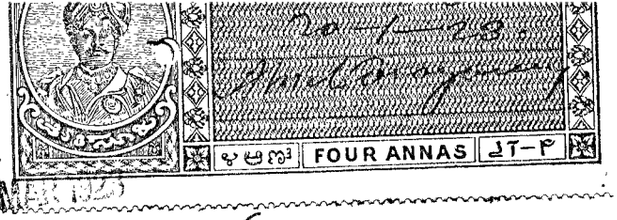
Presented by
Member Secretary
Gulbarga on 30.1.20.

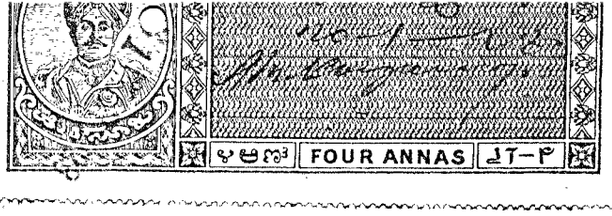




21 MAR 1923

ಬಿಳಿಗಿರಿರಂಗನ ಬೆಟ್ಟದ ಮೇಲೆ ಬಿಳಿಯ ಬಣ್ಣದ ಕಲ್ಲಿನಿಂದ ಮಾಡಿಸಿದ ಸುಂದರವಾದ ಒಂದು ಪಲ್ಲಕ್ಕಿಯಿದೆ. ಅದರಲ್ಲಿ ಕುಳಿತುಕೊಳ್ಳಲು ಅನುಕೂಲವಾಗುವಂತೆ ಮೆತ್ತೆಯನ್ನು ಹಾಕಿದೆ. ಅದರ ಮೇಲೆ ಕೆಂಪು ಬಣ್ಣದ ಹೊದಿಕೆಯನ್ನು ಹೊದಿಸಿದೆ. ಅದರ ಮೇಲೆ ಬಿಳಿಯ ಬಣ್ಣದ ಹೊದಿಕೆಯನ್ನು ಹೊದಿಸ





12.

To
The Secretary to Government
Revenue Department
Bangalore

ಮಾನ್ಯರೇ,

ನಾನು ಈ ಕೆಳಗೆ ಸಹಿ ಮಾಡಿರುವ ನಾನು ಮತ್ತು ನನ್ನ ಸಹೋದರರು ಸೇರಿ ಅನುಭವಿಸುತ್ತಿರುವ ಕೆಳಗೆ ಬರೆದಿರುವ ಜಮೀನುಗಳನ್ನು ಸರ್ಕಾರದವರು ಸ್ವಾಧೀನಪಡಿಸಿಕೊಳ್ಳಲು ಉದ್ದೇಶಿಸಿರುವುದಾಗಿ ತಿಳಿದು ಬಂದಿರುತ್ತದೆ. ಆದರೆ ಈ ಜಮೀನುಗಳಲ್ಲಿ ಸುಮಾರು ಹತ್ತು ವರ್ಷಗಳಿಂದ ನಾವು ಬೇಸಾಯ ಮಾಡಿಕೊಂಡು ಬರುತ್ತಿದ್ದು ಈ ಜಮೀನುಗಳಲ್ಲಿ ಬೆಳೆಯುವ ಬೆಳೆಗಳಿಂದಲೇ ನಮ್ಮ ಜೀವನ ಸಾಗುತ್ತಿರುವುದರಿಂದ ಈ ಜಮೀನುಗಳನ್ನು ಸರ್ಕಾರದವರು ಸ್ವಾಧೀನಪಡಿಸಿಕೊಳ್ಳಬಾರದೆಂದು ಕೋರಿಕೊಳ್ಳುತ್ತೇವೆ.

ಬೆಂಗಳೂರು
ದಿನಾಂಕ 20.1.23

ನಮ್ಮ ಹೆಸರು ಮತ್ತು ಸಹಿ ಮಾಡಿರುವ ಜಮೀನುಗಳ ವಿವರ

ಸರ್ವೆ ನಂಬರ್ ಎಷ್ಟು ಎಕರೆ ಎಷ್ಟು ಗುಂಟೆ ಎಷ್ಟು